

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

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Bismarck, February 19, 1997

The Senate convened at 8:00 a.m., with President Pro Tem Holmberg presiding.

The prayer was offered by Pastor Jeff Franko, Lord of Life Lutheran Church, Bismarck.

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

A quorum was declared by the President Pro Tem.

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 2021, SB 2061, SB 2109, SB 2144, SB 2159, SB 2160, SB 2173, SB 2191, SB 2200, SB 2214, SB 2231, SB 2248, SB 2264, SB 2269, SB 2295, SB 2302, SB 2315, SB 2321, SB 2324, SB 2327, SB 2328, SB 2333, SB 2343, SB 2351, SB 2352, SB 2353, SB 2359, SB 2366, SB 2368, SB 2371, SB 2380, SB 2384.

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 1014, HB 1036, HB 1068, HB 1208, HB 1223, HB 1243, HB 1266, HB 1302, HB 1330, HB 1336, HB 1339, HB 1364, HB 1373, HB 1392, HB 1402, HB 1463, HB 1466, HB 1467, HB 1470, HB 1478, HCR 3017.

MOTION

SEN. GOETZ MOVED that SB 2051, SB 2053, and SB 2052 be placed at the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2051: A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to compensation and expense reimbursement of members of the legislative assembly; to provide for retroactive application; 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 35 YEAS, 13 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Berg; Bowman; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Krebsbach; Kringstad; Lee; Lindaas; Mathern; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Watne; Wogsland

NAYS: Andrist; Christmann; Heitkamp; Kinnoin; Klein; Krauter; LaFountain; Lips; Mutch; O'Connell; Tomac; Wanzek; Yockim

ABSENT AND NOT VOTING: Redlin

Engrossed SB 2051 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2053: A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to compensation and reimbursement of members of the legislative assembly.

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 32 YEAS, 16 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Berg; Bowman; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; Lee; Lips; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Robinson; Sand; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Watne; Wogsland

NAYS: Andrist; Christmann; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; LaFountain; Lindaas; Mathern; Mutch; O'Connell; Schobinger; Tomac; Wanzek; Yockim

ABSENT AND NOT VOTING: Redlin

Engrossed SB 2053 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2052: A BILL for an Act to amend and reenact sections 4-09-03.1, 4-10.4-05, 4-10.5-04, 4-10.6-04, subsection 3 of section 4-27-05, sections 4-28-05, 21-10-01, 23-01-02, 23-18.2-04, 24-02-37.1, subsection 2 of section 25-02-01.1, sections 25-04-20, 43-12.1-07, 43-35-07, 49-21-22.1, subdivision a of subsection 4 of section 49-23-03, section 54-03-19.1, subsection 4 of section 54-06-25, sections 54-24.3-02, 54-35.2-04, subsection 6 of section 54-52-03, sections 61-02-12, 61-04.1-07, 61-06-22, 61-24-04, and 61-24.5-04 of the North Dakota Century Code, relating to compensation and reimbursement of members of various boards, councils, and commissions and the appointment of members of the legislative compensation commission.

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; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Naaden; Redlin

Engrossed SB 2052 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2001: A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch of government; to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to the use of fees collected by the legislative council or the legislative assembly; to repeal section 54-03-19 of the North Dakota Century Code, relating to the seal on legislative bills; to provide for retroactive application; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Redlin

Engrossed SB 2001 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2022: A BILL for an Act to suspend mill levy limitations for cities, counties, and park districts; 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 NOT PASS, the roll was called and there were 18 YEAS, 30 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Fischer; Krebsbach; Kringstad; Lee; Lindaas; Lips; Nalewaja; Nelson, C.; Schobinger; Stenehjem, B.; Tallackson; Thane; Watne

NAYS: Bowman; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; LaFountain; Mathern; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Robinson; Sand; Solberg; St. Aubyn; Stenehjem, W.; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wogsland; Yockim

ABSENT AND NOT VOTING: Redlin

Engrossed SB 2022 lost.

SECOND READING OF SENATE BILL

SB 2042: A BILL for an Act to create and enact a new section to chapter 26.1-45, a new section to chapter 57-38, and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to qualifications of qualified care providers, a short-form income tax credit for premiums paid for long-term care insurance coverage, and an employer tax credit for premiums paid for long-term care insurance coverage; to amend and reenact section 57-38-29.2 of the North Dakota Century Code, relating to an income tax credit for premiums paid for long-term care insurance coverage; and to provide an effective date.

MOTION

SEN. THANE MOVED that Engrossed SB 2042 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 1, remove ", a new section to"

Page 1, line 2, remove "chapter 57-38, and a new subsection to section 57-38-30.3"

Page 1, line 3, replace "care" with "service" and remove ", a short-form income tax credit for premiums"

Page 1, remove lines 4 through 6

Page 1, line 7, remove "insurance coverage; and to provide an effective date"

Page 1, remove the underscore under lines 11 through 20

Page 1, remove lines 21 through 24

Page 2, remove lines 1 through 19

Renumber accordingly

SB 2042: A BILL for an Act to create and enact a new section to chapter 26.1-45 of the North Dakota Century Code, relating to qualifications of qualified service providers.

ROLL CALL

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

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Sand

ABSENT AND NOT VOTING: Kringstad; Redlin

Reengrossed SB 2042 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2206: A BILL for an Act to create and enact three new sections to chapter 15-38 of the North Dakota Century Code, relating to sex education in the public schools.

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

YEAS: Andrist; Bowman; Christmann; Cook; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Kringstad; Mathern; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: Berg; DeMers; Fischer; Krebsbach; LaFountain; Lee; Lindaas; Lips; Mutzenberger; Nelson, C.; Sand; Tallackson; Thane; Yockim

ABSENT AND NOT VOTING: Redlin

Engrossed SB 2206 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2234: A BILL for an Act to amend and reenact subsection 1 of section 43-15-01 of the North Dakota Century Code, relating to the definition of administer as it relates to drugs.

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; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Redlin

Engrossed SB 2234 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2260: A BILL for an Act to create and enact a new section to chapter 61-03 of the North Dakota Century Code, relating to removal, modification, or destruction of dangers in, on the bed of, or adjacent to a navigable lake; to amend and reenact section 57-28-09 of the North Dakota Century Code, relating to tax deeds issued to the state; and to declare an emergency.

MOTION

SEN. GOETZ MOVED that Engrossed SB 2260 be amended as follows, which motion prevailed on a voice vote.

Page 2, line 12, after the underscored period insert "Any costs recovered must be deposited in the fund from which the expenses were paid."

Renumber accordingly

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; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Reengrossed SB 2260 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2271: A BILL for an Act to provide for creation of regional water resource districts; and to amend and reenact sections 61-02-04 and 61-02-07 of the North Dakota Century Code, relating to membership and quorum of the state water commission.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 23 YEAS, 26 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Grindberg; Kinnoin; Klein; Kringstad; LaFountain; Naaden; Nalewaja; Nething; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thompson; Traynor; Wanzek

NAYS: Berg; Goetz; Heitkamp; Holmberg; Kelsh; Krauter; Krebsbach; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Tallackson; Thane; Tomac; Urlacher; Watne; Wogsland; Yockim

Engrossed SB 2271 lost.

SECOND READING OF SENATE BILL

SB 2301: A BILL for an Act to create and enact a new chapter to title 23 of the North Dakota Century Code, relating to the confidentiality of and the privilege governing medical peer review records; to amend and reenact sections 31-08-01 and 43-17.1-05.1, and subsection 1 of section 43-17.1-06 of the North Dakota Century Code, relating to records and proceedings of medical review committees and reports to the commission on medical competency; to repeal section 23-01-02.1 of the North Dakota Century Code, relating to medical peer review confidentiality and privilege; to provide for retroactive application; 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 37 YEAS, 12 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Holmberg; Klein; Krauter; Krebsbach; Kringstad; Lee; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: Andrist; Berg; Heitkamp; Kelsh; Kinnoin; LaFountain; Lindaas; Mutzenberger; O'Connell; Solberg; Tomac; Yockim

Engrossed SB 2301 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2308: A BILL for an Act relating to the pricing of drugs by manufacturers and sellers; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 39 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Freborg; Goetz; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutzenberger; Naaden; Nelson, C.; Nething; O'Connell; Redlin; Robinson; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Bowman; Fischer; Grindberg; Mutch; Nalewaja; Nelson, G.; Sand; Schobinger; Solberg; Stenehjem, B.

Engrossed SB 2308 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2379: A BILL for an Act to amend and reenact sections 18-12-04, 40-28-03, 43-19.1-28, and 61-35-102 of the North Dakota Century Code, relating to construction supervision by engineers.

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; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed SB 2379 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 subsection to section 65-07-03 of the North Dakota Century Code, relating to the determination of weekly wage for workers' compensation premium purposes.

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; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed SB 2383 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2390: A BILL for an Act to create and enact a new section to chapter 14-09 of the North Dakota Century Code, relating to inclusion of a spouse's income in determining child support.

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

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Nalewaja; O'Connell

Engrossed SB 2390 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2132: A BILL for an Act to create and enact a new subsection to section 26.1-05-19, relating to insurance company investments; and to amend and reenact subsection 6 of section 26.1-03-17, subsection 4 of section 26.1-36.1-01, subsection 4 of section 26.1-36.1-05, and section 26.1-44-05 of the North Dakota Century Code, relating to an annual insurance premium tax filing fee, medicare supplement insurance, and endorsement of surplus lines insurance policies.

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

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

SB 2132 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2211: A BILL for an Act to amend and reenact section 57-15-01.1 of the North Dakota Century Code, relating to establishing values for property exempt from property taxes.

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 1 YEA, 46 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Naaden

NAYS: Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Thane

SB 2211 lost.

SECOND READING OF SENATE BILL

SB 2216: A BILL for an Act to provide compensation for damage by construction of an outlet from Devils Lake to the Sheyenne River; and to provide an appropriation.

ROLL CALL

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

YEAS: Berg; DeMers; Kelsh; Kinnoin; LaFountain; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Sand; Tallackson; Thompson; Tomac; Traynor; Yockim

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Urlacher; Wanzek; Watne; Wogsland

SB 2216 lost.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 10:30 a.m., which motion prevailed.

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

SECOND READING OF SENATE BILL

SB 2223: A BILL for an Act to amend and reenact section 26.1-36-12.2 of the North Dakota Century Code, relating to equity in prescription drug insurance coverage; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 23 YEAS, 26 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Berg; Cook; DeMers; Freborg; Heitkamp; Kelsh; Klein; Krauter; Kringstad; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thane; Thompson; Urlacher; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; Fischer; Goetz; Grindberg; Holmberg; Kinnoin; Krebsbach; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tomac; Traynor; Wanzek; Watne

SB 2223 lost.

SECOND READING OF SENATE BILL

SB 2244: A BILL for an Act to amend and reenact section 35-31-03 of the North Dakota Century Code, relating to agricultural suppliers' liens.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Sand

SEN. SAND STATED that it was his intention to vote YEA on SB 2244, so the final vote was 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

SB 2244 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that SB 2252 be moved to the bottom of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2268: A BILL for an Act to repeal sections 7 and 13 of chapter 2 of the 1995 Session Laws, relating to fees charged by the clerk of district court.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 24 YEAS, 24 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kringstad; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Sand; Stenehjem, W.; Thompson; Tomac; Urlacher; Watne; Wogsland; Yockim

NAYS: Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Klein; Krebsbach; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Thane; Traynor; Wanzek

ABSENT AND NOT VOTING: Tallackson

SB 2268 lost.

SECOND READING OF SENATE BILL

SB 2283: A BILL for an Act to provide continuing education requirements for land surveyors; to create and enact a new section to chapter 43-19.1 of the North Dakota Century Code, relating to reregistration requirements for land surveyors; and to amend and reenact subsection 1 of section 43-19.1-08 of the North Dakota Century Code, relating to powers of the state board of registration for professional engineers and land surveyors.

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 1 YEA, 45 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Stenehjem, B.

NAYS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Thane; Thompson; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Lindaas; Tallackson; Tomac

SB 2283 lost.

SECOND READING OF SENATE BILL

SB 2296: A BILL for an Act to create and enact a new subsection to section 54-52-04, a new subsection to section 54-52.1-01, and five new sections to chapter 54-52.1 of the North Dakota Century Code, relating to the expansion of the uniform group insurance program to allow participation by permanent and temporary employees of private sector employers and by any other person who is otherwise without health insurance coverage; to amend and reenact section 54-52.1-02 of the North Dakota Century Code, relating to subgroups under the uniform group insurance program; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 19 YEAS, 30 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac; Wogsland; Yockim

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

SB 2296 lost.

SECOND READING OF SENATE BILL

SB 2305: A BILL for an Act to provide for contingent per student payments; 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 NOT PASS, the roll was called and there were 19 YEAS, 30 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac; Wogsland; Yockim

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

SB 2305 lost.

SECOND READING OF SENATE BILL

SB 2310: A BILL for an Act to amend and reenact section 26.1-06.1-41 of the North Dakota Century Code, relating to priority of distributions in insurance company insolvencies.

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

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

SB 2310 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2319: A BILL for an Act to amend and reenact sections 65-04-19.1 and 65-04-19.2 of the North Dakota Century Code, relating to the workers' compensation premium discount for implementing a preapproved risk management program.

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 1 YEA, 47 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Kelsh

NAYS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Lindaas

SEN. LINDAAS STATED that it was his intention to vote NAY on SB 2319, so the final vote was 1 YEA, 48 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

SB 2319 lost.

SECOND READING OF SENATE BILL

SB 2323: A BILL for an Act to amend and reenact section 35-13-02 and subsection 3 of section 41-09-46 of the North Dakota Century Code, relating to entering liens for repairman's liens in the central notice system.

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; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Goetz

SB 2323 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that SB 2329 be moved to the bottom of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2330: A BILL for an Act to provide for an appropriation for the state waterbank program for use in the Devils Lake basin for lands not in the conservation reserve program.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 17 YEAS, 31 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Mathern; Mutzenberger; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac; Traynor; Wogsland; Yockim

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

ABSENT AND NOT VOTING: Berg

SEN. BERG STATED that it was his intention to vote YEA on SB 2330, so the final vote was 18 YEAS, 31 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

SB 2330 lost.

MOTION

SEN. GOETZ MOVED that SB 2332 be moved to the bottom of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2340: A BILL for an Act to provide for the creation of value-added assessment districts and the levy of an assessment on wheat for the promotion of value-added wheat products; and to provide a penalty.

ROLL CALL

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

YEAS: Mathern; Mutzenberger; Tallackson; Thane

NAYS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2340 lost.

SECOND READING OF SENATE BILL

SB 2341: A BILL for an Act to amend and reenact section 39-04-19 of the North Dakota Century Code, relating to motor vehicle registration fees.

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 18 YEAS, 31 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Grindberg; Kelsh; Kinnoin; Krebsbach; Kringstad; LaFountain; Lindaas; Lips; Mutzenberger; Nelson, C.; O'Connell; Robinson; Tallackson; Thane; Traynor; Watne

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Heitkamp; Holmberg; Klein; Krauter; Lee; Mathern; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Redlin; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thompson; Tomac; Urlacher; Wanzek; Wogsland; Yockim

SB 2341 lost.

MOTION

SEN. FREBORG MOVED that SB 2224 be returned to the Senate floor from the **Natural Resources Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. FREBORG REQUESTED the unanimous consent of the Senate to withdraw SB 2224. There being no objection, it was so ordered by the President Pro Tem.

REQUEST

SEN. TRAYNOR REQUESTED the unanimous consent of the Senate to withdraw SB 2348, which is on the Eleventh order. There being no objection, it was so ordered by the President Pro Tem.

REQUEST

SEN. WOGSLAND REQUESTED the unanimous consent of the Senate to withdraw SB 2375, which is on the Eleventh order. There being no objection, it was so ordered by the President Pro Tem.

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.

SECOND READING OF SENATE BILL

SB 2345: A BILL for an Act to create and enact a new section to chapter 50-11.1 of the North Dakota Century Code, relating to the public access to information regarding providers of early childhood services; to provide for application; and to provide an effective date.

ROLL CALL

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

YEAS: Andrist; Christmann; Cook; Freborg; Goetz; Holmberg; Kelsh; Klein; Nalewaja; Nelson, G.; Nething; O'Connell; Redlin; Sand; Schobinger; Solberg; Stenehjem, B.; Stenehjem, W.; Tomac; Wanzek

NAYS: Berg; DeMers; Fischer; Grindberg; Heitkamp; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nelson, C.; Robinson; St. Aubyn; Tallackson; Thane; Thompson; Traynor; Urlacher; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman

SB 2345 lost.

SECOND READING OF SENATE BILL

SB 2346: A BILL for an Act to amend and reenact sections 54-03-02, 54-03-02.1, and 54-35-16 of the North Dakota Century Code, relating to reconvened regular sessions of the legislative assembly in even-numbered years for budget adjustment purposes.

REQUEST

SEN. REDLIN REQUESTED that his remarks be printed in the Journal, which request was granted.

I do believe we need SB 2346, which provides an off-year budget adjustment session. From long experience in banking and farming, including long service on the board of a grain marketing co-op, I cannot understand building a budget involving billions of dollars and not looking at the progress or status for more than two years.

The Legislature itself is the policymaker and the appropriator of state funds, but we have given much of that power to the Budget Section. Some have replied we have a budget section to do the budget adjustment job for us.

The Budget Section, identified nowhere in statute, has been a creature of the Legislative Council. There are 29 references in the code which lend duties to this Budget Section. Many of these duties involve large financial sums and assume the power of the law to make changes in what the Legislature has directed, and we continually add new powers to the Budget Section. In fact, during the 1995 Session, 23 statutes relating to the Budget Section were added.

We must not go on building a "miniature legislature". Let us analyze the make-up of the Budget Section. We find that it is comprised of floor leadership and Appropriations committee members from both houses. One can readily see that in the Budget Section the power lies with the House of Representatives because the House has nearly twice as many Appropriations members while each member of the Budget Section has only one vote.

A great number of districts throughout the state have no input whatsoever when the Budget Section makes changes which have the force of law.

In addition, members of other committees have no input whatsoever. The Budget Section has dealt with many matters related to the Natural Resources, Judiciary, Education, Finance and Taxation, and Agriculture committees as well as others.

We must not give legislative power to a subset of the Legislature and most certainly not to a committee where the houses are unequally yoked and numerous districts and all other committees are locked out of the decisions.

A budget adjustment session with input from all committees and districts is the proper use of the legislative mandate. I urge you to vote in favor of SB 2346.

ROLL CALL

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

YEAS: Berg; DeMers; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nalewaja; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Wogsland; Yockim

NAYS: Andrist; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: Bowman

SB 2346 lost.

SECOND READING OF SENATE BILL

SB 2349: A BILL for an Act to amend and reenact subsection 7 of section 57-39.2-01 of the North Dakota Century Code, relating to sales and use tax treatment of delivery of property to a contractor for incorporation into real property in another state; 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; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman

SB 2349 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that SB 2350 be moved to the bottom of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2363: A BILL for an Act to create and enact a new subsection to section 53-06.2-04 of the North Dakota Century Code, relating to the duties of the racing commission; and to amend and reenact subsections 1 and 2 of section 53-06.2-11 of the North Dakota Century Code, relating to the use of racing funds.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 14 YEAS, 34 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Kelsh; Kinnoin; Klein; Krebsbach; LaFountain; Mutch; O'Connell; Tallackson; Thompson; Tomac; Traynor; Watne; Wogsland

NAYS: Andrist; Berg; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Krauter; Kringstad; Lee; Lindaas; Lips; Mathern; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Urlacher; Wanzek; Yockim

ABSENT AND NOT VOTING: Bowman

SB 2363 lost.

MOTION

SEN. GOETZ MOVED that SB 2019, which is on the Sixth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, SB 2019 was rereferred.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 3:30 p.m., which motion prevailed.

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

MOTION

SEN. C. NELSON MOVED that the Senate reconsider its action whereby Engrossed SB 2271 failed to pass, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2271: A BILL for an Act to provide for creation of regional water resource districts; and to amend and reenact sections 61-02-04 and 61-02-07 of the North Dakota Century Code, relating to membership and quorum of the state water commission.

MOTION

SEN. SOLBERG MOVED that Engrossed SB 2271 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 8, remove the overstrike over the first comma, remove the underscored semicolon, and remove the overstrike over the second comma

Page 1, line 10, remove "two members of the house of"

Page 1, remove lines 11 and 12

Page 1, line 13, remove "council:"

Page 1, line 16, overstrike "The", remove "four legislative", and overstrike "members of the commission must be appointed for a term"

Page 1, line 17, overstrike "of", remove "four", and overstrike "years each with their terms of office so arranged that"

Page 1, line 18, remove "one house term and one senate term" and overstrike "expire on the first day of July of each"

Page 1, line 19, overstrike "odd-numbered year."

Page 1, line 23, remove "The members of the legislative"

Page 1, remove line 24

Page 2, remove lines 1 through 4

Page 2, line 8, replace "eight" with "six"

Page 3, line 1, remove "nonlegislative"

Page 3, line 3, remove "If"

Page 3, remove lines 4 and 5

Page 3, line 6, remove "to fill the vacancy."

ReNUMBER accordingly

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 28 YEAS, 19 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Freborg; Grindberg; Holmberg; Kinnoin; Klein; Kringstad; Lindaas; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.;

Nething; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thompson; Traynor; Wanzek; Watne

NAYS: Fischer; Goetz; Heitkamp; Kelsh; Krauter; Krebsbach; LaFountain; Lee; Lips; Mathern; Nelson, G.; O'Connell; Robinson; Sand; Thane; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Redlin

Reengrossed SB 2271 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2376: A BILL for an Act to amend and reenact paragraph 1 of subdivision e of subsection 2 of section 26.1-36-09 of the North Dakota Century Code, relating to group coverage for counselors providing outpatient treatment for mental disorders.

MOTION

SEN. DEMERS MOVED that SB 2376 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new paragraph to subdivision e of subsection 2 of section 26.1-36-09 of the North Dakota Century Code, relating to services provided by licensed professional clinical counselors; and to"

Page 2, after line 7, insert:

"SECTION 2. A new paragraph to subdivision e of subsection 2 of section 26.1-36-09 of the North Dakota Century Code is created and enacted as follows:

If outpatient treatment services are provided by a licensed professional clinical counselor through an employee assistance program contract, the provider may not bill the insurance company, nonprofit health service corporation, or health maintenance organization for the services."

Renumber accordingly

The motion to adopt the proposed amendments prevailed on a voice vote.

MOTION

SEN. YOCKIM MOVED that SB 2376 be further amended as follows:

Page 1, line 16, after "43-47-06.1" insert "and who has completed at least the equivalent of four years of full-time supervised clinical counseling experience within the last seven years or was a full-time practicing professional clinical counselor licensed before August 1, 1997"

Renumber accordingly

The motion to adopt the proposed further amendments to SB 2376 failed on a verification vote.

SB 2376: A BILL for an Act to create and enact a new paragraph to subdivision e of subsection 2 of section 26.1-36-09 of the North Dakota Century Code, relating to services provided by licensed professional clinical counselors; and to amend and reenact paragraph 1 of subdivision e of subsection 2 of section 26.1-36-09 of the North Dakota Century Code, relating to group coverage for counselors providing outpatient treatment for mental disorders.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 21 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Heitkamp; Holmberg; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; Nething; O'Connell; Robinson; Stenehjem, B.; Stenehjem, W.; Thompson; Tomac; Watne; Wogsland; Yockim

NAYS: Andrist; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Tallackson; Thane; Traynor; Urlacher; Wanzek

ABSENT AND NOT VOTING: Bowman; Redlin

Engrossed SB 2376 lost.

SECOND READING OF SENATE BILL

SB 2378: A BILL for an Act to create and enact two new sections to chapter 4-05.1 of the North Dakota Century Code, relating to establishment of a bison research program; to provide a continuing appropriation; and to provide an appropriation.

ROLL CALL

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

YEAS: Berg; Cook; DeMers; Kelsh; Kinnoin; Lindaas; Mutzenberger; Naaden; Nelson, C.; O'Connell; Stenehjem, B.; Thompson; Tomac; Traynor; Wanzek

NAYS: Andrist; Christmann; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lips; Mathern; Mutch; Nalewaja; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Urlacher; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Redlin

SB 2378 lost.

SECOND READING OF SENATE BILL

SB 2388: A BILL for an Act to provide for a statewide strategic plan to address domestic violence through coordination of resources and efforts, education of the public, domestic violence stakeholders, children and youth and professionals, and development of preventative solutions to domestic violence.

ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 19 YEAS, 28 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Grindberg; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Robinson; Tallackson; Thompson; Tomac; Wogsland; Yockim

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

ABSENT AND NOT VOTING: Bowman; Redlin

SB 2388 lost.

SECOND READING OF SENATE BILL

SB 2389: A BILL for an Act to provide for the use of energy from renewable sources.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 37 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Kelsh; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; Tomac; Wogsland

NAYS: Andrist; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn;

Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Watne; Yockim

ABSENT AND NOT VOTING: Bowman; Redlin

SB 2389 lost.

SECOND READING OF SENATE BILL

SB 2395: A BILL for an Act to create and enact a new section to chapter 49-21 of the North Dakota Century Code, relating to extended area services; and to amend and reenact section 49-02-01.1 of the North Dakota Century Code, relating to local calling areas.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 16 YEAS, 31 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Nelson, C.; O'Connell; Robinson; Schobinger; Tallackson; Thompson; Tomac; Yockim

NAYS: Andrist; Berg; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Klein; Krebsbach; Kringstad; Lee; Lips; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland

ABSENT AND NOT VOTING: Bowman; Redlin

SB 2395 lost.

SECOND READING OF SENATE BILL

SB 2154: A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to tribal delegates in the legislative assembly.

ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 22 YEAS, 25 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Robinson; Tallackson; Thane; Thompson; Tomac; Traynor; Watne; Wogsland; Yockim

NAYS: Andrist; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Klein; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Urlacher; Wanzek

ABSENT AND NOT VOTING: Bowman; Redlin

SB 2154 lost.

MOTION

SEN. GOETZ MOVED that SB 2252 and SB 2329 be moved to the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2252: A BILL for an Act relating to the acquisition of computer technology by school districts; to amend and reenact subsection 1 of section 15-34.1-03 and subdivision b of subsection 2 of section 15-40.1-06 of the North Dakota Century Code, relating to the approval of schools; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 16 YEAS, 30 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Heitkamp; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Tallackson; Thompson; Tomac; Wogsland; Yockim

NAYS: Andrist; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek

ABSENT AND NOT VOTING: Bowman; Redlin; Watne

SB 2252 lost.

SECOND READING OF SENATE BILL

SB 2329: A BILL for an Act to provide financial assistance to tribally controlled community colleges; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 22 YEAS, 25 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Lips; Mathern; Mutzenberger; Nelson, C.; O'Connell; Robinson; Tallackson; Thompson; Tomac; Traynor; Watne; Wogsland; Yockim

NAYS: Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Klein; Krebsbach; Kringstad; Lee; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Urlacher; Wanzek

ABSENT AND NOT VOTING: Bowman; Redlin

SB 2329 lost.

CONSIDERATION OF AMENDMENTS

SB 2013: SEN. HOLMBERG (Appropriations Committee) MOVED that the amendments on SJ pages 390-391 be adopted and then be placed on the Eleventh order with **DO PASS.**

REQUEST

SEN. LIPS REQUESTED that the Senate divide the amendments to SB 2013, which request was granted.

DIVISION A: That part of the proposed amendments consisting of Section 5.

DIVISION B: The remainder of the proposed amendments.

REQUEST

SEN. YOCKIM REQUESTED a recorded roll call vote on Division A of the proposed amendments to SB 2013, which request was granted.

ROLL CALL

The question being on the adoption of Division A of the proposed amendments to SB 2013, the roll was called and there were 24 YEAS, 23 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Berg; Cook; DeMers; Fischer; Heitkamp; Kelsh; Kinnoin; Krauter; Kringstad; LaFountain; Lindaas; Lips; Mathern; Mutzenberger; Nelson, C.; O'Connell; Robinson; Tallackson; Thane; Thompson; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Redlin

Division A of the proposed amendments to SB 2013 was adopted.

Division B of the proposed amendments to SB 2013 was adopted on a voice vote.

Divisions A and B of the proposed amendments comprise the total of the proposed amendments. The proposed amendments to SB 2013 were adopted on a voice vote. Engrossed SB 2013 was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2013: A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands; and to amend and reenact section 15-03-04 of the North Dakota Century Code, relating to investments by the board of university and school lands.

ROLL CALL

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

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Redlin

Engrossed SB 2013 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2198: SEN. B. STENEHJEM (Transportation Committee) MOVED that the amendments on SJ pages 402-403 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2198: A BILL for an Act to create and enact a new section to chapter 35-20 of the North Dakota Century Code, relating to creation of a landlord's lien on a mobile home.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: DeMers; Heitkamp; Kelsh; LaFountain; Lindaas; Mathern; Nelson, C.; O'Connell; Thompson; Wogsland

ABSENT AND NOT VOTING: Bowman; Redlin

Engrossed SB 2198 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2240: SEN. B. STENEHJEM (Human Services Committee) MOVED that the amendments on SJ pages 410-411 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2240: A BILL for an Act to create and enact a new subsection to section 43-48-03 of the North Dakota Century Code, relating to clinical laboratory practice exemptions.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 31 YEAS, 16 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Cook; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Krauter; Kringstad; LaFountain; Lindaas; Lips; Mutch; Naaden; Nelson, C.; Nething; Robinson; Sand; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Berg; Christmann; DeMers; Fischer; Freborg; Kelsh; Klein; Krebsbach; Lee; Mathern; Mutzenberger; Nalewaja; Nelson, G.; O'Connell; Schobinger; Thompson

ABSENT AND NOT VOTING: Bowman; Redlin

Engrossed SB 2240 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2391: SEN. WOGSLAND (Transportation Committee) MOVED that the amendments on SJ page 427 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2391: A BILL for an Act to provide for an additional fee for exceeding the speed limit.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 22 YEAS, 25 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Grindberg; Kelsh; Kinnoin; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mutzenberger; Nalewaja; Nelson, C.; Nething; O'Connell; Robinson; Sand; Stenehjem, W.; Tallackson; Thane; Traynor; Watne

NAYS: Andrist; Christmann; Cook; Fischer; Freborg; Goetz; Heitkamp; Holmberg; Klein; Krauter; LaFountain; Mathern; Mutch; Naaden; Nelson, G.; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Thompson; Tomac; Urlacher; Wanzek; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Redlin

Engrossed SB 2391 lost.

MOTION

SEN. GOETZ MOVED that the absent member be excused, which motion prevailed.

MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth order of business and at the conclusion of that order, the Senate stand adjourned until 8:00 a.m., Thursday, February 20, 1997, 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** (10 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2003 was placed on the Sixth order on the calendar.

Page 1, line 2, after "system" insert "; to amend and reenact section 54-02-11 of the North Dakota Century Code, relating to the state art gallery; and to declare an emergency"

Page 1, replace lines 12 through 24 with:

"NORTH DAKOTA UNIVERSITY SYSTEM	
Salaries and wages	\$356,043,998
Technology	<u>23,563,400</u>
Total salaries, wages, and technology	\$379,607,398
Estimated income:	
Bismarck state college	\$6,461,060
University of North Dakota - Lake Region	1,423,217
University of North Dakota - Williston	2,266,959

University of North Dakota	53,046,381	
North Dakota state university	45,301,979	
North Dakota state college of science	8,482,258	
Dickinson state university	5,497,688	
Mayville state university	2,865,468	
Minot state university	13,452,405	
Valley City state university	3,709,027	
Minot state university - Bottineau	1,352,782	
University of North Dakota medical center	41,176,495	
Forest service	<u>663,040</u>	
Less institutional estimated income		\$185,698,759
General fund appropriation		<u>\$193,908,639</u>

Subdivision 2.

NORTH DAKOTA UNIVERSITY SYSTEM OFFICE

Operating expenses		\$ 717,665
Equipment		21,000
Capital improvements emergency		200,000
Student financial assistance grants		4,480,386
ADA projects		500,000
Computer network management		205,494
Small campus projects		500,000
Professional student exchange program		1,389,801
Disabled student services		26,693
Technical administration		184,906
Contingency fund		200,000
Scholars program		659,286
Perkins loan program match		102,885
Native American scholarships		204,000
Title II		434,000
Competitive research program		1,980,000
Virtual university		<u>100,000</u>
Total operating fund appropriation		\$ 11,906,116
Less operating fund estimated income		<u>3,604,886</u>
General fund appropriation		<u>\$ 8,301,230</u>

Subdivision 3.

BISMARCK STATE COLLEGE

Operating fund appropriation		
Operating expenses		\$ 4,127,109
Equipment		576,407
Capital improvements		<u>1,124,542</u>
Total operating fund appropriation		\$ 5,828,058
Less operating fund estimated income		<u>350,000</u>
General fund appropriation		<u>\$ 5,478,058</u>
Local funds appropriation		<u>2,785,000</u>
Total general fund and local funds appropriations		\$ 8,263,058
Total all funds appropriation		<u>\$ 8,613,058</u>

Subdivision 4.

UNIVERSITY OF NORTH DAKOTA - LAKE REGION

Operating fund appropriation		
Operating expenses		\$ 1,197,043
Equipment		136,338
Capital improvements		<u>74,993</u>
Total operating fund appropriation		\$ 1,408,374
Less operating fund estimated income		<u>0</u>
General fund appropriation		<u>\$ 1,408,374</u>
Local funds appropriation		<u>1,964,700</u>
Total general fund and local funds appropriations		\$ 3,373,074
Total all funds appropriation		<u>\$ 3,373,074</u>

Subdivision 5.

UNIVERSITY OF NORTH DAKOTA - WILLISTON

Operating fund appropriation		
Operating expenses		\$ 1,477,524
Equipment		210,815
Capital improvements		<u>71,929</u>
Total operating fund appropriation		<u>\$ 1,760,268</u>

Less operating fund estimated income	0
General fund appropriation	\$ 1,760,268
Local funds appropriation	<u>182,300</u>
Total general fund and local funds appropriations	\$ 1,942,568
Total all funds appropriation	\$ 1,942,568

Subdivision 6.

UNIVERSITY OF NORTH DAKOTA

Operating fund appropriation	
Operating expenses	\$ 29,207,492
Equipment	1,517,369
Capital improvements	<u>4,407,305</u>
Total operating fund appropriation	\$ 35,132,166
Less operating fund estimated income	<u>2,500,000</u>
General fund appropriation	\$ 32,632,166
Local funds appropriation	<u>56,720,000</u>
Total general fund and local funds appropriations	\$ 89,352,166
Total all funds appropriation	\$ 91,852,166

Subdivision 7.

NORTH DAKOTA STATE UNIVERSITY

Operating fund appropriation	
Operating expenses	\$ 20,589,385
Equipment	1,905,500
Capital improvements	<u>6,277,072</u>
Total operating fund appropriation	\$ 28,771,957
Less operating fund estimated income	<u>4,850,000</u>
General fund appropriation	\$ 23,921,957
Local funds appropriation	<u>18,670,000</u>
Total general fund and local funds appropriations	\$ 42,591,957
Total all funds appropriation	\$ 47,441,957

Subdivision 8.

NORTH DAKOTA STATE SCHOOL OF SCIENCE

Operating fund appropriation	
Operating expenses	\$ 5,849,613
Equipment	1,337,662
Capital improvements	<u>598,947</u>
Total operating fund appropriation	\$ 7,786,222
Less operating fund estimated income	<u>110,000</u>
General fund appropriation	\$ 7,676,222
Local funds appropriation	<u>3,992,300</u>
Total general fund and local funds appropriations	\$ 11,668,522
Total all funds appropriation	\$ 11,778,522

Subdivision 9.

DICKINSON STATE UNIVERSITY

Operating fund appropriation	
Operating expenses	\$ 3,866,764
Equipment	322,500
Capital improvements	<u>321,103</u>
Total operating fund appropriation	\$ 4,510,367
Less operating fund estimated income	<u>150,000</u>
General fund appropriation	\$ 4,360,367
Local funds appropriation	<u>1,430,000</u>
Total general fund and local funds appropriations	\$ 5,790,367
Total all funds appropriation	\$ 5,940,367

Subdivision 10.

MAYVILLE STATE UNIVERSITY

Operating fund appropriation	
Operating expenses	\$ 2,004,481
Equipment	220,500
Capital improvements	<u>131,925</u>
Total operating fund appropriation	\$ 2,356,906
Less operating fund estimated income	<u>0</u>
General fund appropriation	\$ 2,356,906
Local funds appropriation	<u>685,000</u>
Total general fund and local funds appropriations	\$ 3,041,906
Total all funds appropriation	\$ 3,041,906

Subdivision 11.	
MINOT STATE UNIVERSITY	
Operating fund appropriation	
Operating expenses	\$ 6,037,692
Equipment	779,668
Capital improvements	<u>842,098</u>
Total operating fund appropriation	\$ 7,659,458
Less operating fund estimated income	<u>0</u>
General fund appropriation	\$ 7,659,458
Local funds appropriation	<u>4,535,732</u>
Total general fund and local funds appropriations	\$ 12,195,190
Total all funds appropriation	\$ 12,195,190
Subdivision 12.	
VALLEY CITY STATE UNIVERSITY	
Operating fund appropriation	
Operating expenses	\$ 2,646,453
Equipment	308,500
Capital improvements	765,000
Special initiatives	<u>202,837</u>
Total operating fund appropriation	\$ 3,922,790
Less operating fund estimated income	<u>0</u>
General fund appropriation	\$ 3,922,790
Local funds appropriation	<u>1,550,000</u>
Total general fund and local funds appropriations	\$ 5,472,790
Total all funds appropriation	\$ 5,472,790
Subdivision 13.	
MINOT STATE UNIVERSITY - BOTTINEAU	
Operating fund appropriation	
Operating expenses	\$ 1,002,968
Equipment	147,500
Capital improvements	<u>74,130</u>
Total operating fund appropriation	\$ 1,224,598
Less operating fund estimated income	<u>0</u>
General fund appropriation	\$ 1,224,598
Local funds appropriation	<u>211,100</u>
Total general fund and local funds appropriations	\$ 1,435,698
Total all funds appropriation	\$ 1,435,698
Subdivision 14.	
NORTH DAKOTA FOREST SERVICE	
Operating fund appropriation	
Operating expenses	\$ 416,323
Equipment	48,011
Capital improvements	81,061
Grants to centennial trees	<u>147,486</u>
Total operating fund appropriation	\$ 692,881
Less operating fund estimated income	<u>147,486</u>
General fund appropriation	\$ 545,395
Local funds appropriation	<u>50,000</u>
Total general fund and local funds appropriations	\$ 595,395
Total all funds appropriation	\$ 742,881
Subdivision 15.	
UNIVERSITY OF NORTH DAKOTA MEDICAL CENTER	
Operating fund appropriation	
Operating expenses	\$ 16,218,818
Equipment	<u>4,705,045</u>
Total operating fund appropriation	\$ 20,923,863
Less operating fund estimated income	<u>13,008,600</u>
General fund appropriation	\$ 7,915,263
Grand total general fund appropriation S.B. 2003	\$303,071,691
Grand total special funds appropriation S.B. 2003	\$210,419,731
Grand total local funds appropriation S.B. 2003	\$ 92,776,132
Grand total all funds appropriation S.B. 2003	\$606,267,554"

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 and 2

Page 8, line 3, after "fund" insert ", capital improvements emergency, ADA projects, small campus projects,"

Page 8, line 4, replace the first "1" with "2"

Page 8, line 5, replace the first "1" with "2" and replace "14" with "15"

Page 8, line 7, after the second "fund" insert ", capital improvements emergency, ADA projects, small campus projects,"

Page 8, after line 30, insert:

"Any additional excess estimated income is hereby appropriated and may be spent only upon authorization of the emergency commission. Any funds received by the board of higher education and the entities of the North Dakota university system pursuant to federal acts, private grants, and other sources not deposited in the operating funds in the state treasury are hereby appropriated for the period beginning July 1, 1997, and ending June 30, 1999."

Page 9, line 19, after "improvements" insert ", equipment, and other purposes not requiring an increase in future general fund appropriations"

Page 9, remove lines 27 through 30

Page 10, remove lines 1 through 8

Page 10, line 11, remove "\$1,200,000, for"

Page 10, line 12, remove "the purpose of renovating the bookstore at the university of North Dakota and"

Page 10, line 19, remove "remodeling the bookstore at the university of North Dakota and"

Page 10, after line 31, insert:

"SECTION 12. BOARD OF HIGHER EDUCATION ALLOCATIONS - AUTHORITY. The amounts in subdivision 1 of section 1 must be used for the benefit of the institutions and entities in subdivisions 2 through 15 of section 1 as determined by the board of higher education in accordance with the guidelines established in section 13 of this Act. The board shall notify the office of management and budget of the allocation of authority and which line items in the various institutions must be adjusted.

SECTION 13. ALLOCATIONS - SALARIES AND WAGES - TECHNOLOGY FUNDING - LEGISLATIVE INTENT - DECLARATION OF PURPOSE - GUIDELINES.

1. It is the intent of the legislative assembly that the state board of higher education consider the following items in making annual budget allocations for salaries and wages and technology from the appropriations contained in subdivision 1 of section 1 of this Act:
 - a. Base salary allocations are to be made for operations based on mission, historical funding, major enrollment changes, campus size, size of physical plant, instructional and research programs, program type, comparisons with peer institutions, special systemwide services, student service levels, and tuition revenues related to each entity.

- b. Salary increase allocations are to be made based on general salary increases, one-time increases, performance-based increases, market increases, and other increases, including workload changes, new responsibilities, and promotions.
 - c. Targeted initiative allocations are to be made for campus reallocation efforts, consolidation of administrative functions across campuses, collaborative academic programs offered among campuses, and for distance education initiatives or innovations in instructional delivery.
 - d. Technology funding allocations are to be made based on historic funding, the higher education computer network strategic plan, base funding for higher education computer network computer center operations, base funding for interactive video network and on-line Dakota information network operations, the system distance learning plan, training needs, classroom technology renovation, technology innovations, and technology-related matching grants. Technology fees paid by students shall remain at the respective institution.
2. The legislative assembly recognizes the constitutional authority of the state board of higher education and also recognizes the role of the legislative assembly in providing adequate funds for the board to carry out its functions and duties. The legislative assembly declares its intent that allocations are not to be used to close any institution of higher education. In addition, the board of higher education may not substantially reorganize the work of any institution except as authorized by the legislative assembly.
 3. The state board of higher education shall follow the following guidelines in making the allocations for salaries and wages and technology as provided in this Act:
 - a. Changes in allocations from historic patterns may be made if based upon documented enrollment changes.
 - b. The state board of higher education may provide incentives to institutions for effectuating savings in administrative costs.
 - c. The board may allocate funds to maximize benefits of matching programs and grants from outside sources.
 - d. Notwithstanding guidelines a, b, and c, an institution of higher education shall receive salaries and wages for the 1997-99 biennium that are at least ninety-five percent of the salaries and wages for the 1995-97 biennium.
 4. The state board of higher education shall periodically report to the budget section of the legislative council on the allocations made pursuant to this section and shall make recommendations regarding the allocation process for the 1999-2001 biennium.

SECTION 14. LEGISLATIVE INTENT - STATEWIDE ACCESS TO WORK FORCE TRAINING PROGRAMS - REPORT TO LEGISLATIVE COUNCIL COMMITTEE. It is the intent of the fifty-fifth legislative assembly that the North Dakota university system cooperate with other state agencies and private organizations to provide work force training programs in a manner that will allow statewide access to these programs and will improve the system's ability to coordinate and implement work force training programs in anticipation of future work force training needs. The state board for vocational and technical education shall provide, during the 1997-98 interim, periodic reports to the legislative council or its designated committee, on the agency's progress in coordinating statewide access to work force training programs.

SECTION 15. LEGISLATIVE INTENT - MINOT STATE UNIVERSITY - BOTTINEAU COAL HANDLING PROJECT. It is the intent of the fifty-fifth legislative assembly that the board of higher education give consideration to allocating \$130,000, from the small campus projects pool of \$500,000, to Minot state university - Bottineau for improvements to the coal handling system.

SECTION 16. AMENDMENT. Section 54-02-11 of the North Dakota Century Code is amended and reenacted as follows:

54-02-11. State art gallery - Ownership of art. The university of North Dakota art galleries, established in 1972 on the university campus in Grand Forks, is hereby designated the North Dakota state art gallery. No general fund moneys may be used to support the North Dakota art gallery now or in the future. Unless clear title is otherwise demonstrable, any work of art, artifact, or artistic property located in the state art gallery is deemed to be the property of the state art gallery and is subject to disposition by the state art gallery.

SECTION 17. EMERGENCY. The capital improvement line item contained in subdivision 7 of section 1 includes \$150,000 for Sudro hall remodeling at North Dakota state university, which is declared to be an emergency measure and those funds are available immediately upon filing of this Act with the secretary of state."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 215 - NORTH DAKOTA UNIVERSITY SYSTEM

SENATE - This amendment provides funding for salaries and wages and technology in a new subdivision 1, the North Dakota University System. The amounts were previously included in the institutional and agency subdivisions in Senate Bill No. 2003. A total of \$356,043,998 is transferred for salaries and wages, of which \$185,698,759 is from estimated income and \$170,345,239 is from the general fund.

In addition, a total of \$23,563,400 is transferred from the institutional budgets to the technology line item in subdivision 1, all from the general fund.

In addition, new Sections 12 and 13 are added that provide authority for the Board of Higher Education to allocate the salaries and wages and technology funding contained in subdivision 1 to the institutions and agencies.

The local funds included in the executive budget and appropriated in this bill remain under the control of the respective institutions. Local funds include funds from the following sources:

- Tuition (local funds tuition)
- Miscellaneous fees
- Special course and program fees, including student technology fees
- Indirect and administration costs recoveries
- Building and equipment/land lease and rental
- Electricity, gas, and utility sales
- Excess property sales
- Nonauxiliary sales and services
- Hospital and medical school

New Sections 14, 15, 16, and 17 are added as follows:

Section 14 provides intent relating to the North Dakota university system's cooperation with other state agencies and private organizations in providing work force training programs.

Section 15 provides intent relating to the Board of Higher Education being urged to use \$130,000, of the \$500,000 pool for small campus projects, for coal handling improvements at Minot state university - Bottineau.

Section 16 clarifies ownership issues for items located in the state art gallery.

Section 17 provides that the \$150,000 of other funds for the Sudro Hall remodeling project at North Dakota state university be an emergency measure.

The following is a schedule of the transfers from the institutional budgets to subdivision 1 for salaries and wages:

	SALARY LINE ITEM	LESS SALARY RELATING TO TECHNOLOGY	LESS SALARY FOR FARGO SKILLS CENTER ¹	NET SALARIES	LESS ESTIMATED INCOME	GENERAL FUND
Bismarck State College	\$ 15,355,194	\$ (253,023)		\$ 15,102,171	\$ 6,461,060	\$ 8,641,111
University of North Dakota - Lake Region	4,160,165	(66,502)		4,093,663	1,423,217	2,670,446
University of North Dakota - Williston	5,090,088	(70,612)		5,019,476	2,266,959	2,752,517
University of North Dakota	100,776,514	(3,256,139)		97,520,375	53,046,381	44,473,994
North Dakota State University	84,510,555	(3,111,103)	\$(163,998)	81,235,454	45,301,979	35,933,475
North Dakota State College of Science	21,790,873	(278,131)		21,512,742	8,482,258	13,030,484
Dickinson State University	13,355,676	(288,564)		13,067,112	5,497,688	7,569,424
Mayville State University	7,871,165	(194,885)		7,676,280	2,865,468	4,810,812
Minot State University	29,701,878	(323,400)		29,378,478	13,452,405	15,926,073
Valley City State University	10,335,209	(241,739)		10,093,470	3,709,027	6,384,443
Minot State University - Bottineau	3,775,524	(23,600)		3,751,924	1,352,782	2,399,142
Subtotal	\$296,722,841	\$ (8,107,698)	\$(163,998)	\$288,451,145	\$143,859,224	\$144,591,921
North Dakota University System office (includes salary incentive)	\$ 5,143,808			\$ 5,143,808		\$ 5,143,808
UND Medical Center Forest Service	60,767,426			60,767,426	\$ 41,176,495	19,590,931
	1,681,619			1,681,619	663,040	1,018,579
Subtotal	\$ 67,592,853			\$ 67,592,853	\$ 41,839,535	\$ 25,753,318
Total salaries	\$364,315,694	\$ (8,107,698)	\$(163,998)	\$356,043,998	\$185,698,759	\$170,345,239

¹ Even though the general fund support for the Fargo Skills Center was removed (\$163,998 from salaries and wages and \$136,002 from operating expenses for a total general fund reduction of \$300,000), the Legislative Assembly supports the Fargo Skills Center being funded from other funds.

The following is a schedule of the transfers from the institutional budgets to subdivision 1 for technology:

	IVN/ODIN*	SALARIES	OPERATING	EQUIPMENT	TOTAL
Bismarck State College		\$ 253,023	\$ 167,832		\$ 420,855
University of North Dakota - Lake Region		66,502	106,850	\$ 9,000	182,352
University of North Dakota - Williston		70,612	19,912	9,499	100,023
University of North Dakota	\$2,737,434	3,256,139	4,429,986	1,316,424	11,739,983
North Dakota State University		3,111,103	5,076,897	425,203	8,613,203
North Dakota State College of Science		278,131	502,233	87,346	867,710
Dickinson State University		288,564	71,400	42,160	402,124
Mayville State University		194,885	77,600	3,000	275,485
Minot State University		323,400	198,437		521,837
Valley City State University		241,739	135,282	5,000	382,021
Minot State University - Bottineau		23,600	34,207		57,807
Total general fund	\$2,737,434	\$8,107,698	\$10,820,636	\$1,897,632	\$23,563,400

* IVN and ODIN are separate line items in the University of North Dakota's budget, \$2,079,942 for IVN and \$657,492 for ODIN.

The amendment also changes the funding source of the University of North Dakota bookstore renovations from bonds issued by the university system to special funds.

The amendment also adds \$150,000 of special funds to the capital improvements line item for Dickinson State University. The funds are to be generated from a private donation to be used for the construction of a pavilion on the Dickinson State University campus.

The amendment also removes \$280,000 of general fund support for agricultural initiatives. The funding is intended to be added to Senate Bill No. 2064 which contains the funding for the agricultural research centers and Extension Service.

REPORT OF STANDING COMMITTEE

SB 2014: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2014 was placed on the Sixth order on the calendar.

Page 1, line 2, after "committee" insert "; to create and enact a new section to chapter 54-56 of the North Dakota Century Code, relating to regional and tribal children's services coordinating committees; to amend and reenact sections 54-56-01, 54-56-03, and 54-56-04 of the North Dakota Century Code, relating to the membership and duties of the children's services coordinating committee; and to repeal section 54-56-05 of the North Dakota Century Code, relating to the children's services coordinating committee receiving and spending funds"

Page 1, line 11, replace "5,239,756" with "5,479,756"

Page 1, line 12, replace "5,403,444" with "5,643,444"

Page 1, line 13, replace "\$5,239,756" with "\$5,479,756"

Page 1, line 14, replace ", to each of the" with "a grant of \$150,000 to the partnership project that is providing services to children with serious emotional disorders in human service regions number two (Minot), five (Fargo), and seven (Bismarck) during the biennium beginning July 1, 1997, and ending June 30, 1999. Any other statewide grants distributed by the committee, unless specifically approved by the legislative assembly, are subject to budget section approval."

Page 1, remove lines 15 and 16

Page 2, after line 3, insert:

"SECTION 5. CHILDREN'S PROGRAMS - ACTION IF FEDERAL FUNDS ARE DISCONTINUED. A state agency administering a program affecting children which is anticipated to receive federal funds for the program for the 1995-97 biennium shall discontinue providing services of the program to the extent that federal funds are not available for the program for the biennium beginning July 1, 1997, and ending June 30, 1999, unless the legislative assembly has specifically identified funds to replace the federal funds.

SECTION 6. FEDERAL FUND ALLOCATIONS. Of the \$6,000,000 of federal funds estimated to be generated as a result of participating entities claiming federal administrative cost reimbursements through the department of human services, the following allocations are made for the biennium beginning July 1, 1997, and ending June 30, 1999:

AGENCY/ORGANIZATION	ALLOCATION
Department of human services	10 percent
Children's services coordinating committee - Administration	2.5 percent
Regional and tribal children's services coordinating committees - Administration	18 percent
Regional and tribal children's services coordinating committees - Grants, including those to participating entities	59.5 percent, includes 25 percent that is returned to participating entities
Children's services coordinating committee - Statewide grants	10 percent

Any federal funds received by the state as a result of participating entities claiming federal administrative cost reimbursements through the department of human services in excess of \$6,000,000 for the biennium beginning July 1, 1997, and ending June 30, 1999, must be distributed, subject to emergency commission approval, as follows:

AGENCY/ORGANIZATION	ALLOCATION
Children's services coordinating committee - Administration	2.5 percent
Regional and tribal children's services coordinating committees - Grants, including those to participating entities	83.5 percent, includes 25 percent that is returned to participating entities
Children's services coordinating committee - Statewide grants	14 percent

SECTION 7. AMENDMENT. Section 54-56-01 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-56-01. Children's services coordinating committee - Membership. ~~The children's services coordinating committee is hereby established and consists of the governor or a designee of the governor, the attorney general or a designee of the attorney general, the commissioner of the board of higher education or a designee of the commissioner, the superintendent of public instruction, a representative of the North Dakota association of school administrators, a representative of juvenile courts appointed by the chief justice of the supreme court, a health district representative appointed by the governor, the executive director of the department of human services, the state health officer, the executive director of job service North Dakota or a designee of the executive director, the director of the department of corrections and rehabilitation, or a designee of the director of the department of corrections and rehabilitation, the director of the office of management and budget, or a designee of the director of the office of management and budget, the director of vocational and technical education, the chairperson of the governor's committee on children and youth or that chairperson's designee, and a representative of the Indian affairs commission, a designee of the chief justice, and a member at large to be appointed by the governor.~~ The governor or the governor's designee shall act as chairperson.

SECTION 8. AMENDMENT. Section 54-56-03 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-56-03. Functions.

1. The committee ~~shall~~ may:
 - a. Plan for and coordinate delivery of services to children and adolescents who are abused, neglected, emotionally disturbed, mentally ill, medically disabled, runaways, homeless, deprived, school dropouts, school-age parents, chemical or alcohol abusers, unruly, or delinquent.
 - b. ~~Foster preventive strategies and early intervention to strengthen families in their capacity to parent children~~ primary prevention ideas and strategies and present those ideas and strategies to regional or tribal children's services coordinating committees.
2. The committee ~~may coordinate, sponsor, or oversee interagency or intergovernmental projects and programs for children, or projects and programs that require the participation of both governmental and private entities shall~~:
 - a. Distribute funds due to regional or tribal committees within five days of receiving the funds.
 - b. Distribute its grant funds appropriated or authorized by the legislative assembly to children's services organizations and programs, subject to specific approval by the legislative assembly or the budget section. No funds, grants, gifts, or services of an organization receiving funds distributed by the committee may be used for the purposes of direct provision of contraception services, abortion, or abortion referrals to minors.

SECTION 9. AMENDMENT. Section 54-56-04 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-56-04. Charter public corporations - Duties. The children's services coordinating committee may charter up to twelve public corporations or designate organizations to serve as regional and tribal children's services coordinating committees to implement programs for the classes of children and programs described in section 54-56-03 distribute grants received from the children's services coordinating committee. The committee shall prescribe conditions for the creation, continuance, and duration of those corporations or designations.

SECTION 10. A new section to chapter 54-56 of the North Dakota Century Code is created and enacted as follows:

Regional or tribal children's services coordinating committee - Functions. A regional or tribal children's services coordinating committee, if established, must be composed of community volunteers and must maintain its own records. To foster and nurture the broadest base of community support and participation, at least one-third of regional or tribal committee members must be from the private sector. A regional or tribal committee shall:

1. Recruit local organizations to become participating entities to claim federal administrative cost reimbursements through the department of human services.
2. Expend administrative funding received from the state children's services coordinating committee only for costs associated with salaries and benefits, mileage and travel, meals, conferences and workshops, contract services, telephone, office supplies, marketing, printing, postage, dues and subscriptions, and temporary room rent.
3. Reimburse a committee member only for expenses that are not reimbursed by the organization or entity that the member is representing on the regional or tribal committee.
4. Submit all claims received from its participating entities claiming federal administrative cost reimbursements to the department of human services within ninety days of the end of each calendar quarter.
5. Distribute twenty-five percent of the federal funds generated as a result of a participating entity claiming federal administrative cost reimbursements through the department of human services to the participating entity that generated the federal administrative cost reimbursement.
6. Distribute funds due to participating entities within five days of receiving the funds.

A regional or tribal committee may not maintain an unobligated fund balance that exceeds twenty-two thousand five hundred dollars at the end of each fiscal year.

SECTION 11. REPEAL. Section 54-56-05 of the North Dakota Century Code is repealed."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 324 - CHILDREN'S SERVICES COORDINATING COMMITTEE

SENATE - The grants line item is increased by \$240,000 of special funds to appropriate estimated carryover for the 1995-97 biennium. The increased funding is provided for the Children's Services Coordinating Committee--state grants of \$190,000 and regional and tribal committee administrative cost grants of \$50,000.

This amendment changes the membership of the Children's Services Coordinating Committee, changes the committee's duties and responsibilities, and clarifies the role of the regional and tribal children's services coordinating committees. The amendment repeals sections relating to the Children's Services Coordinating Committee that allowed the committee to charter public corporations and to receive and spend funds, grants, and gifts.

The amendment changes the method by which the Children's Services Coordinating Committee distributes its grants as follows:

	PROPOSED AMENDMENTS TO SENATE BILL NO. 2014	CURRENT METHOD
Department of Human Services	10 percent up to a maximum of \$600,000	10 percent
Children's Services Coordinating Committee - Administration	2.5 percent	5 percent
Regional and tribal children's services coordinating committees	N/A	72.25 percent
Participating entities generating federal funds	25 percent of total	12.75 percent
Children's Services Coordinating Committee - Statewide grants	10 percent	
Regional and tribal children's services coordinating committees - Administration	18 percent up to a maximum of \$1,080,000	
Regional and tribal children's services coordinating committees - Grants to providers	34.5 percent	
Children's services providers	As approved by the Legislative Assembly or Budget Section based on Children's Services Coordinating Committee or other requests and as distributed by regional and tribal committees	As allocated from the regional or tribal children's services coordinating committees
Total	100 percent	100 percent

Any federal fund reimbursements received by the state in excess of \$6,000,000 during the 1997-99 biennium will be distributed, subject to Emergency Commission approval, as follows:

Children's Services Coordinating Committee - Administration	2.5 percent
Participating entities generating federal funds	25 percent
Regional and tribal children's services coordinating committees - Grants	58.5 percent
Children's Services Coordinating Committee - Statewide grants	14 percent
Total	100 percent

This amendment requires a state agency that anticipates receiving federal funds for a program affecting children discontinue the program to the extent that federal funds for the program become unavailable during the 1997-99 biennium and when the Legislative Assembly has not provided replacement funds. State agency children's programs identified as including federal funds in the 1997-99 executive budget include:

Attorney General
 Child safety programs
 Gang resistance education and training
 Bicycle and child safety/fingerprinting/resource program
 CounterAct
 Department of Public Instruction programs
 School for the Deaf programs
 School for the Blind programs
 Vocational and Technical Education programs
 Health Department
 Maternal and child health services
 Family planning program
 Women, infants, and children (WIC) program
 Children's Services Coordinating Committee programs
 Department of Human Services
 Developmental Disabilities Council

Developmental disabilities child development and community living
 TEEM
 Heating benefit
 JOBS transportation/client¹
 JOBS Job Service FMAP¹
 JOBS Job Service support services¹
 AFDC benefit¹
 JOBS child care¹
 AFDC unemployed parent¹
 Child care block grant
 Transitional child care
 At risk child care
 AFDC JOBS child care¹
 Public Assistance
 AFDC regular grants¹
 AFDC refugee assistance grants¹
 AFDC unemployed parent grants¹
 Energy and Nutrition
 Food stamp - Job assistance child care
 Food Stamp - EBT issuance
 TEEM - Food stamp - Cashout
 Low-income home energy assistance program
 Medicaid
 Health Tracks - EPSDT
 Medical payments regular
 Developmental disabilities community-based care
 Children's Special Health Services
 Children and Family Services
 Child abuse challenge grant
 Children's trust fund
 County reimbursement child abuse
 DJS placement
 Independent living program
 Foster care IV E and regular
 Foster care services
 Foster care specialized family
 Foster care therapeutic
 Foster care sheltered care services
 Family focused services
 County reimbursement high risk day care
 County reimbursement parent aid project
 Children's Services Coordinating Committee day treatment
 Respite care
 Foster care intensive in-home family services
 Special needs adoption
 Crossroads program
 Foster care subsidized adoption FM and regular
 Unaccompanied refugee minor program
 Refugee assistance social services
 Refugee assistance targeted discretionary program
 Developmental Disability Services
 Developmental disabilities infants/toddlers with handicaps - Part H
 Substance Abuse Services
 Alcohol and drug prevention resource center
 Governor's fund for high risk youth
 Human Service Centers
 Intensive in-home
 Wraparound
 Respite care
 Children's Services Coordinating Committee prevention
 Shelter care
 Sexual abuse
 Clinical population
 Family guidance
 Foster grandparent
 Ruth Meiers Adolescent Treatment Center
 Developmental disabilities services
 Mental health partnership grant
 Alcohol and drug services
 Other programs

State Hospital programs
 Developmental Center programs
 Job Service
 Summer youth employment and training program
 Youth training program
 Job Corps recruitment and placement contract
 Department of Corrections and Rehabilitation
 Youth Correctional Center
 Juvenile community services
 NDSU Extension
 4-H and other youth programs
 Council on the Arts
 Arts in education

¹ Legislation has been introduced in the 1997 legislative session providing for administering the federal temporary assistance for needy families (TANF) block grant program which would replace this program.

REPORT OF STANDING COMMITTEE

SB 2019: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). SB 2019 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "an appropriation" with "appropriations"

Page 1, line 2, after "finance" insert ", to the Bank of North Dakota for economic development, and to the agricultural products utilization commission for grants" and remove the second "and"

Page 1, line 3, after "funds" insert "; and to amend and reenact sections 4-01-19, 4-14.1-04, subsection 4 of section 10-30.5-02, and section 10-30.5-05 of the North Dakota Century Code, relating to the pride of Dakota program, the agricultural products utilization commission, and administration and management of the North Dakota development fund"

Page 1, line 11, replace "2,421,849" with "1,634,811"

Page 1, line 14, replace "1,313,141" with "1,233,641"

Page 1, remove line 17

Page 1, line 20, replace "15,154,715" with "12,378,302"

Page 1, line 22, replace "10,342,044" with "7,565,631"

Page 1, after line 22, insert:

"SECTION 2. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated from special funds derived from Bank of North Dakota earnings to the Bank of North Dakota for the purpose of economic development funding, for the biennium beginning July 1, 1997, and ending June 30, 1999, as follows:

Salaries and wages	\$ 490,577
North Dakota development fund	1,909,875
Grants	<u>79,500</u>
Total appropriation from Bank of North Dakota earnings	\$2,479,952

SECTION 3. APPROPRIATION. All income received in excess of the amounts appropriated in section 1 of this Act is hereby appropriated to the agricultural products utilization commission for research, marketing, and utilization grants for the biennium beginning July 1, 1997, and ending June 30, 1999. Any funds received require the approval of the emergency commission before they may be expended.

SECTION 4. AGRICULTURAL FUEL TAX FUND. The estimated income line item in section 1 of this Act includes \$1,007,243 from the agricultural fuel tax fund for the biennium beginning July 1, 1997, and ending June 30, 1999.

SECTION 5. HIGHWAY TAX DISTRIBUTION FUND - ETHANOL PRODUCTION INCENTIVES. The estimated income line item in section 1 of this Act includes \$3,007,000, or so much of the amount as may be necessary, from the highway tax distribution fund for the ethanol production incentive program. Of this amount, \$3,000,000 is for the purpose of providing production incentives to North Dakota ethanol plants and \$7,000 is for audits of the use of these funds for the biennium beginning July 1, 1997, and ending June 30, 1999. Distribution from the appropriation in section 1 of this Act to the producers of agriculturally derived fuel must be at the rate of forty cents for each gallon of agriculturally derived fuel produced in the state which is marketed by the producing plant to a distributor or wholesaler for sale within North Dakota. For purposes of this section, "gallon of agriculturally derived fuel" means a gallon of fuel that qualifies for the alcohol credit under 26 U.S.C. 40, specifically including fuel to which a denaturant has been added. Payment to the producing plant must be approved by the agricultural products utilization commission upon presentation by the plant of an affidavit to the effect that the ethanol sold from the plant and for which the producer's credit is being sought is to be sold at retail to consumers in North Dakota. The affidavit of the producer of the ethanol must be accompanied by an affidavit from the wholesaler or retailer to the same effect. Within ninety days after the end of each fiscal year of the ethanol plant beginning after December 31, 1992, any North Dakota ethanol plant receiving production incentives from the state shall file with the budget section of the legislative council a statement, certified by a certified public accountant, as to whether the plant produced a profit from its operation in the preceding fiscal year, after deducting the payments received from this incentive program.

SECTION 6. EXEMPTION. The funds appropriated in the agricultural products utilization line item in section 1 of this Act are not subject to section 54-44.1-11 and any unexpended funds from this line item relating to grants awarded may be available for continued payment of grants awarded but not paid during the biennium beginning July 1, 1997, and ending June 30, 1999."

Page 1, line 24, remove "\$1,909,875 must be transferred to the North"

Page 2, line 1, remove "Dakota development fund and"

Page 2, line 5, replace "available in" with "transferred to"

Page 2, line 9, replace the first "director" with "president", replace "department" with "Bank", replace "economic development and finance" with "North Dakota", and replace the second "director" with "president"

Page 2, line 10, replace "department" with "Bank" and replace "economic development and finance" with "North Dakota"

Page 2, line 12, after the period insert "Of the amount available in the North Dakota development fund, \$4,000,000 or the unobligated balance on July 1, 1997, relating to the transfer of regional rural development revolving loan fund moneys, must continue to be dedicated for the purpose of providing financial assistance, research and development assistance, and loans or equity or debt financing on a matching basis to new or expanded primary sector businesses in areas of the state which are not within five miles [8.05 kilometers] of any city with a population of more than eight thousand. These funds must be allocated for the benefit of each of the areas delineated as regions by executive order of the governor pursuant to section 54-40.1-02."

Page 2, remove lines 13 through 17

Page 2, after line 30, insert:

"SECTION 11. LEGISLATIVE INTENT - DEVELOPMENT SPECIALIST. It is the intent of the fifty-fifth legislative assembly that the Bank of North Dakota employ a development specialist to administer the North Dakota development fund and promote economic development.

SECTION 12. AMENDMENT. Section 4-01-19 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-01-19. Marketing bureau. The commissioner of agriculture of this state shall establish and maintain a marketing bureau for the purpose of gathering and disseminating statistical information on agricultural marketing problems of the state and engaging in marketing services of agricultural products. ~~Any moneys received or~~

~~generated by the pride of Dakota program must be deposited in the general fund in the state treasury.~~

SECTION 13. AMENDMENT. Section 4-14.1-04 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-14.1-04. Agricultural products utilization commission - Meetings - Personnel - Reports. The agricultural products utilization commission, which is a division of the department of economic development and finance, shall meet as necessary and shall report to each session of the legislative assembly. The commission may secure office space ~~and~~, employ needed personnel for the performance of its duties, ~~may~~ hire consultants, spend any funds appropriated to the commission, and ~~may~~ contract with public entities or private parties for services.

SECTION 14. AMENDMENT. Subsection 4 of section 10-30.5-02 of the North Dakota Century Code is amended and reenacted as follows:

4. The ~~director~~ president of the ~~department~~ Bank of ~~economic development and finance~~ North Dakota shall adopt rules, subject to the approval of the board of directors, necessary to implement the administration of the fund. The rules to implement the grant program must be developed to encourage local fundraising initiatives for developing locations for businesses financed by the corporation.

SECTION 15. AMENDMENT. Section 10-30.5-05 of the North Dakota Century Code is amended and reenacted as follows:

10-30.5-05. Management. The ~~deputy director~~ president of the ~~finance division~~ Bank of the department ~~must be~~ North Dakota shall appoint the chief executive officer of the corporation. The board of directors shall determine minimum qualifications of all other staff positions.

All investments, contracts, partnerships, limited liability companies, and business transactions of the corporation are the responsibility of the ~~deputy director~~ chief executive officer and the board of directors. The board may provide that normal operating costs anticipated in an approved budget may be incurred and paid without prior board approval."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 601 - DEPARTMENT OF ECONOMIC DEVELOPMENT AND FINANCE

SENATE - This amendment makes the following changes:

	1997-99 EXECUTIVE RECOMMENDATION	TRANSFER ECONOMIC DEVELOPMENT FUNDING TO BANK OF NORTH DAKOTA	POSITIONS DELETED	SENATE VERSION
Salaries and wages	\$ 2,421,849	\$ (490,577)	\$(296,461)	\$ 1,634,811
Operating expenses	1,591,673			1,591,673
Equipment	34,000			34,000
Grants	1,313,141	(79,500)		1,233,641
General allocation grants	725,690			725,690
Technology Transfer, Inc.	1,410,380			1,410,380
Development fund	1,909,875	(1,909,875)		
Agricultural Products Utilization	5,598,107			5,598,107
Pride of Dakota	<u>150,000</u>	<u> </u>	<u> </u>	<u>150,000</u>
Total	\$15,154,715	\$(2,479,952)	\$(296,461)	\$12,378,302
Special funds	\$ 4,812,671			\$ 4,812,671
General fund	10,342,044	\$(2,479,952)	\$(296,461)	7,565,631
FTE positions	30	(5)	(4)	21

DEPARTMENT 471 - BANK OF NORTH DAKOTA

SENATE - This amendment transfers from the Department of Economic Development and Finance to the Bank of North Dakota, the North Dakota development fund and funding for five FTE positions relating to the fund (\$490,577). This amendment also deletes general fund appropriation authority from the Department of Economic Development and Finance and provides an appropriation to the Bank of North Dakota from the Bank's earnings for the following programs: Native American business grants (\$27,500), women's business grants (\$52,000), and the North Dakota development fund line item. This amendment also deletes the authority for four FTE positions and related general fund appropriation authority of \$296,461.

This amendment also removes Section 4 of the bill which allowed the reallocation of funds between Technology Transfer, Inc., and the North Dakota development fund. This authority is no longer necessary because of the transfer of the North Dakota development fund to the Bank of North Dakota.

This amendment also changes Section 4 to provide that the balance in the North Dakota development fund relating to the regional rural development revolving loan fund of approximately \$4,000,000 must be dedicated for providing assistance to new or expanding primary sector businesses in rural areas.

This amendment also provides changes related to the payment of ethanol production incentives from the highway tax distribution fund to the Agricultural Products Utilization Commission.

REPORT OF STANDING COMMITTEE

SB 2064: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2064 was placed on the Sixth order on the calendar.

Page 1, line 1, after the second "the" insert "office of management and budget,"

Page 1, line 3, after the second semicolon insert "to create and enact a new subsection to section 54-44-04 of the North Dakota Century Code, relating to the duties of the director of the office of management and budget; to amend and reenact sections 4-22-04, 4-22-06, and 4-22-22 of the North Dakota Century Code, relating to the state soil conservation committee; to repeal section 4-22-05 of the North Dakota Century Code, relating to employees of the state soil conservation committee;"

Page 1, line 14, replace "20,663,094" with "20,665,371"

Page 1, line 15, replace "3,537,040" with "3,547,204"

Page 1, line 16, replace "425,000" with "450,000"

Page 1, remove line 17

Page 1, line 18, replace "25,125,134" with "24,662,575"

Page 1, line 20, replace "12,107,136" with "11,644,577"

Page 2, after line 13, insert:

"Subdivision 4.	
AGRICULTURAL EXPERIMENT STATION	
Salaries and wages	\$40,678,794
Total all funds	\$40,678,794
Estimated income:	
Main research station	\$10,082,075
North central research center	45,787
Carrington research center	<u>151,483</u>
Less total estimated income	<u>10,279,345</u>
Total general fund appropriation	\$30,399,449"

Page 2, line 14, replace "4" with "5"

Page 2, remove line 16

Page 2, line 17, replace "4,590,117" with "4,727,617"

Page 2, line 18, replace "1,357,746" with "1,367,746"

Page 2, line 21, replace "all funds" with "special funds appropriation" and replace "42,262,689" with "7,554,163"

Page 2, remove lines 22 and 23

Page 2, line 24, replace "5" with "6"

Page 2, remove line 26

Page 2, line 27, replace "447,618" with "467,618"

Page 2, line 28, replace "39,076" with "54,076"

Page 2, line 30, replace "1,668,257" with "621,694"

Page 3, line 2, replace "1,136,581" with "90,018"

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

Page 3, remove line 5

Page 3, line 6, replace "380,156" with "390,156"

Page 3, line 7, replace "75,193" with "85,193"

Page 3, line 9, replace "1,038,797" with "575,349"

Page 3, line 11, replace "587,397" with "121,949"

Page 3, line 12, replace "7" with "8"

Page 3, remove line 14

Page 3, line 15, replace "200,608" with "230,608"

Page 3, line 18, replace "983,568" with "443,208"

Page 3, line 19, replace "287,805" with "301,068"

Page 3, line 20, replace "695,763" with "142,140"

Page 3, line 21, replace "8" with "9"

Page 3, remove line 23

Page 3, line 26, replace "820,907" with "217,981"

Page 3, line 28, replace "642,557" with "39,631"

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

Page 4, remove line 1

Page 4, line 2, replace "305,439" with "325,439"

Page 4, line 3, replace "101,200" with "106,200"

Page 4, after line 3, insert:

"Capital improvements 200,000"

Page 4, line 4, replace "all funds" with "special funds appropriation" and replace "922,025" with "631,639"

Page 4, remove lines 5 and 6

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

Page 4, remove line 9

Page 4, line 10, replace "293,213" with "303,213"

Page 4, line 11, replace "128,900" with "159,900"

Page 4, line 12, replace "1,023,768" with "463,113"

Page 4, line 14, replace "790,645" with "229,990"

Page 4, line 15, replace "11" with "12"

Page 4, remove line 17

Page 4, line 18, replace "590,390" with "652,890"

Page 4, line 19, replace "151,250" with "182,500"

Page 4, line 21, replace "2,157,057" with "935,390"

Page 4, remove lines 22 and 23

Page 4, line 24, replace "12" with "13"

Page 4, line 27, replace "597,500" with "598,468"

Page 4, replace line 30 with:

"Capital improvements - farm shop 100,000"

Page 4, line 31, replace "1,153,699" with "1,253,699"

Page 5, line 1, replace "43,194,071" with "44,422,512"

Page 5, line 2, replace "39,793,982" with "40,107,245"

Page 5, line 3, replace "82,988,053" with "84,529,757"

Page 5, replace lines 4 through 20 with:

"SECTION 2. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$660,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of providing soil conservation technician grants to soil conservation districts of up to \$650,000 and for paying committee member per diem and expenses of up to \$10,000 for the biennium beginning July 1, 1997, and ending June 30, 1999. The office of management and budget shall disburse these funds as directed by the soil conservation committee.

SECTION 3. ADDITIONAL INCOME - APPROPRIATION. Any additional income including funds from the federal government and gifts and donations from private sources received by the North Dakota agricultural experiment station, northern crops institute, upper great plains transportation institute, and the North Dakota state university extension service, except as otherwise provided by law, is hereby appropriated for the purpose designated in the gift, grant, or donation. All of the moneys in the operating fund must remain in the fund until expended pursuant to any specific legislative appropriation or an authorization from the emergency commission, and the balances of the moneys except those received from the federal government or as gifts from private sources, must be used to reduce the amount of moneys to be expended pursuant to the general fund appropriation only to the extent that the unencumbered balance in the operating fund on June 30, 1997, exceeds the estimated income for the biennium ending June 30, 1999.

SECTION 4. FUNDING ALLOCATIONS - AUTHORITY. The amounts in subdivision 4 of section 1 must be used for the benefit of the entities of the agricultural experiment station as determined by the vice president for agriculture at North Dakota state university in accordance with the guidelines established in section 5 of this Act.

SECTION 5. ALLOCATIONS - SALARIES AND WAGES - LEGISLATIVE INTENT - DECLARATION OF PURPOSE - GUIDELINES.

1. It is the intent of the legislative assembly that the vice president for agriculture at North Dakota state university consider the following items in making annual budget allocations for salaries and wages from the appropriations contained in subdivision 4 of section 1 of this Act:
 - a. Base salary allocations are to be made for operations based on mission, historical funding, research programs, and services of each entity.
 - b. Salary increase allocations are to be made based on general salary increases, one-time increases, performance-based increases, market increases, and other increases, including workload changes, new responsibilities, and promotions.
 - c. Targeted initiative allocations are to be made as approved by the legislative assembly.
2. It is the intent of the legislative assembly that allocations are not to be used to close any entity of the agricultural experiment station nor may the work of any entity be substantially reorganized except as authorized by the legislative assembly.
3. It is the intent of the legislative assembly that each entity of the agricultural experiment station receive salaries and wages funding for the 1997-99 biennium that are at least ninety-five percent of the salaries and wages funding for the 1995-97 biennium.
4. The vice president for agriculture at North Dakota state university shall periodically report to the budget section of the legislative council on the allocations made pursuant to this section and shall make recommendations regarding the allocation process for the 1999-2001 biennium."

Page 5, line 27, after "in" insert "subdivision 2 and in"

Page 5, line 28, replace "2" with "4" and replace "12" with "13"

Page 5, line 31, replace "4" with "5" and replace "12" with "13"

Page 6, line 8, remove "branch"

Page 6, after line 24, insert:

"SECTION 13. AMENDMENT. Section 4-22-04 of the North Dakota Century Code is amended and reenacted as follows:

4-22-04. Committee - Chairman - Quorum - Compensation - Provision for surety bonds and annual audit. The committee shall meet annually and select its chairman, who shall serve for one year from the date of his selection and who is not eligible for a second term as chairman. Additional meetings may be held by the committee as considered necessary by the chairman, at a time and place to be fixed by the chairman. Special meetings must be called by the chairman upon written request of any four members. A majority of the committee constitutes a quorum, and the concurrence of a majority in any matter within its duties is required for its determination. The members of the committee shall receive forty-five dollars per day as compensation for their services on the committee, and are entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties on the committee, in the same manner and at the same rate as prescribed by law for state employees and officials. ~~The committee shall provide for the execution of surety bonds, which may be issued by the state bonding fund, for all employees who are entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, rules, and orders issued or adopted; and shall provide for an annual audit of the accounts of receipts and disbursements.~~

SECTION 14. AMENDMENT. Section 4-22-06 of the North Dakota Century Code is amended and reenacted as follows:

4-22-06. Duties and powers generally. In addition to the duties and powers hereinafter conferred upon the state soil conservation committee, it has the following duties and powers:

1. ~~To offer such assistance as may be appropriate to the supervisors of soil conservation districts in the carrying out of any of their powers and programs.~~
2. To keep the supervisors of each of the several districts informed of the activities and experience of all other districts, and to facilitate an interchange of advice and experience between ~~such~~ the districts and cooperation between them.
3. ~~2.~~ To coordinate the programs of the several conservation districts so far as this may be done by advice and consultation.
4. ~~To secure the cooperation and assistance of state, federal, regional, interstate, and local, public, and private agencies with conservation districts; and to facilitate arrangements under which conservation districts may assist or serve county governing bodies and other agencies in the administration of any activity concerned with the conservation of natural resources.~~
5. ~~3.~~ To disseminate information throughout the state concerning the activities and programs of the soil conservation districts, and to encourage the formation of such soil conservation districts in areas where their organization is desirable.
6. ~~To review district programs, to coordinate the programs of the several districts, and to coordinate programs and activities as they relate to other special purpose districts.~~
7. ~~To review agreements, or forms of agreements, proposed to be entered into by districts with other districts or with state, federal, interstate, or other public or private organizations, and advise the districts concerning such agreements or forms of agreement.~~
8. ~~To recommend the inclusion in annual and longer term budgets of funds necessary from the legislative assembly to finance the activities of the committee and districts; and to distribute such moneys appropriated by the legislative assembly according to applicable state laws or regulations.~~
9. ~~To compile information and make studies, summaries, and other analyses of district programs in relation to each other and to other resource conservation programs on a statewide basis.~~
10. ~~To represent the state in matters affecting soil conservation.~~
11. ~~4.~~ To require annual reports from conservation districts, ~~the form and content of which must be developed by the committee on consultation with district supervisors.~~
12. ~~To establish uniform accounting methods which must be used by soil conservation districts, and to establish a uniform auditing reporting system.~~
13. ~~Pursuant to procedures developed mutually by the committee and other state and local agencies that are authorized to plan or administer activities significantly affecting the conservation of natural resources, to receive from such agencies for review and comment suitable descriptions of their plans, programs, and activities for purposes of coordination with district conservation programs; to arrange for and participate in conferences necessary to avoid conflict among such plans and programs; to call attention to omissions; and to avoid duplication of effort.~~
14. ~~To develop and administer policy guidelines which the districts shall follow in the operation of district activities.~~
5. To distribute grants to soil conservation districts as authorized by the legislative assembly.

SECTION 15. AMENDMENT. Section 4-22-22 of the North Dakota Century Code is amended and reenacted as follows:

4-22-22. Supervisors - Terms of office - Vacancies - Removal - Compensation - Expenses. At the general election to be held in 1972, three district supervisors must be elected. The candidate receiving the largest number of votes is elected for a six-year term; the candidate receiving the second highest number of votes is elected for a four-year term; and the candidate receiving the third highest number of votes is elected for a two-year term. At each succeeding general election, one supervisor must be elected for a term of six years, or until the successor is duly elected and qualified, to each expiring or vacant term. In newly formed districts, three supervisors must be elected at the first general election following the district's organization. The candidate receiving the largest number of votes is elected for a six-year term; the candidate receiving the second highest number of votes is elected for a four-year term; and the candidate receiving the third highest number of votes is elected for a two-year term. At each succeeding general election, one supervisor must be elected for a term of six years, or until the successor is duly elected and qualified, to each expiring or vacant term. The county auditor of the county or counties in which the district lies shall return to the secretary of state within fifteen days following any general election a certified abstract of the votes cast in the county at such election for each candidate for district supervisor. At the time that the county auditor transmits the certified abstract of the votes cast for each candidate, the county auditor shall file with the secretary of state a certificate showing the name and address of each candidate.

In order to be eligible for election to the office of supervisor, candidates must be land occupiers and physically living in the district. Candidates must be elected on a nonpartisan ballot. In case the office of any supervisor, for any reason, becomes vacant, the remaining members of the board of supervisors shall, with the advice and consent of the state committee, fill the vacancy by appointment. If vacancies occur in the office of two supervisors, the remaining supervisor and the state committee shall fill the vacancy; and in case the offices of all supervisors of a district become vacant, the state committee shall fill the vacancies by appointment. A supervisor appointed to fill a vacancy holds office until the next general election. A supervisor elected to fill a vacancy serves the balance of the unexpired term in which the vacancy occurred.

Any soil conservation district, upon resolution of the three elected supervisors, may appoint two additional supervisors who shall serve for a term of one year from and after the date of their appointment. Such supervisors must be appointed by a majority of the three elected supervisors and have all the powers, voting privileges, duties, and responsibilities of elected supervisors, except that the expense allowances of the appointed supervisors must be paid by the local soil conservation district concerned. As far as possible, the appointed supervisors shall represent interests within the district which are not represented by the elected supervisors.

Any supervisor of a soil conservation district may, after notice given and hearing held in accordance with chapter 28-32, be removed from office by the state committee.

The supervisors of soil conservation districts are entitled to receive, upon a majority vote of the supervisors, twenty-five dollars for attending each regular or special meeting as compensation for their services. Supervisors of soil conservation districts are entitled to receive travel and subsistence expenses necessarily incurred in attending district, state, or other meetings approved by the state soil conservation committee, ~~which expenses must be paid from appropriations available to the state committee.~~ The compensation and all other expenses including travel incurred by district supervisors while transacting district business and not specifically authorized by the state soil conservation committee must be paid from district funds.

SECTION 16. A new subsection to section 54-44-04 of the North Dakota Century Code is created and enacted as follows:

Shall provide staff and other support services to the state soil conservation committee.

SECTION 17. REPEAL. Section 4-22-05 of the 1995 Supplement to the Dakota Century Code is repealed."

Page 6, line 25, replace "6" with "8"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

SENATE - This amendment appropriates \$660,000 from the general fund to the Office of Management and Budget for distributing soil conservation technician grants of \$650,000 and for paying committee expenses of \$10,000 as directed by the committee during the 1997-99 biennium.

A section is added amending North Dakota Century Code Section 54-44-04 providing that the Office of Management and Budget provide staff and other support services for the Soil Conservation Committee.

DEPARTMENT 630 - NDSU EXTENSION SERVICE

SENATE - This amendment makes the following changes:

	1997-99 EXECUTIVE RECOMMENDATION	VALUE-ADDED INITIATIVE	CROP PRODUCTION SYSTEMS INITIATIVE	RANGELAND MANAGEMENT INITIATIVE	REMOVES SOIL CONSERVATION COMMITTEE	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$20,663,094	\$102,000	\$210,000	\$20,000	\$(309,723)	\$ 2,277	\$20,665,371
Operating expenses	3,537,040	16,000	40,000	40,000	(65,836)	10,164	3,547,204
Equipment	425,000		20,000	5,000		25,000	450,000
Grants	500,000				(500,000)	(500,000)	
Total	\$25,125,134	\$118,000 ¹	\$270,000 ²	\$25,000	\$(875,559) ³	\$(462,559)	\$24,662,575
General fund	\$12,107,136	\$118,000	\$270,000	\$25,000	\$(875,559)	\$(462,559)	\$11,644,577
Special funds	13,017,998						13,017,998
Total	\$25,125,134	\$118,000	\$270,000	\$25,000	\$(875,559)	\$(462,559)	\$24,662,575
FTE	230.00	1.00	2.00	0.00	(4.00)	(1.00)	229.00

¹ Adds funding for the value-added agriculture initiative, which provides for a high-value crops specialist in western North Dakota.

² Adds funding for the crop production systems initiative, which provides for two extension crop specialists based at research extension centers.

³ Removes funding for the Soil Conservation Committee which the executive budget included as a program of the extension service. Funding for the soil conservation technician grants program and expenses of the committee of \$660,000 from the general fund are appropriated in a separate section to the Office of Management and Budget.

Sections are added amending North Dakota Century Code Chapter 4-22 to remove the soil conservation committee staff and to remove a number of the committee's duties. A section is added providing that the Office of Management and Budget will provide staff services to the committee.

DEPARTMENT 640 - AGRICULTURAL EXPERIMENT STATION

SENATE - This amendment makes the following changes:

ALL FUNDS CHANGES

	1997-99 EXECUTIVE RECOMMENDATION	VALUE-ADDED INITIATIVE	CROP PRODUCTION SYSTEMS INITIATIVE	RANGELAND MANAGEMENT INITIATIVE	COMBINE SALARIES	OTHER CHANGES	TOTAL CHANGES	SENATE VERSION
Main Research Station	\$42,262,689		\$447,500	\$162,500	\$ (35,156,026)		\$ (34,708,526)	\$ 7,554,163
Dickinson Research Center	1,668,257			\$162,500	(1,209,063)		(1,046,563)	621,694
Central Grasslands Research Center	1,038,797			55,000	(518,448)		(463,448)	575,349
Hettinger Research Center	983,568			30,000	(583,623)	\$ 13,2635	(540,360)	443,208
Langdon Research Center	820,907				(602,926)		(602,926)	217,981
North Central Research Center	922,025		140,000		(630,386)	200,0006	(290,386)	631,639
Williston Research Center	1,023,768	\$ 71,000			(631,655)		(560,655)	463,113
Carrington Research Center	2,157,057	125,000			(1,346,667)		(1,221,667)	935,390
Agronomy Seed Farm Agricultural Experiment Station	1,153,699				40,678,794	100,0007	100,000	1,253,699
							40,678,794	40,678,794
Total all funds	\$52,030,767	\$196,000 ¹	\$587,500 ²	\$247,500 ³	\$	\$313,263	\$ 1,344,263	\$ 53,375,030
FTE	0.00	0.50	4.00	2.00			6.50	6.50

GENERAL FUND CHANGES

	1997-99 EXECUTIVE RECOMMENDATION	VALUE-ADDED INITIATIVE	CROP PRODUCTION SYSTEMS INITIATIVE	RANGELAND MANAGEMENT INITIATIVE	COMBINE SALARIES	OTHER CHANGES	TOTAL CHANGES	SENATE VERSION
Main Research Station	\$24,626,451		\$447,500	\$162,500	\$ (25,073,951)		\$ (24,626,451)	\$ 90,018
Dickinson Research Center	1,136,581			\$162,500	(1,209,063)		(1,046,563)	123,949
Central Grasslands Research Center	587,397			55,000	(518,448)		(463,448)	142,140
Hettinger Research Center	695,763			30,000	(583,623)		(553,623)	39,631
Langdon Research Center	642,557				(602,926)		(602,926)	229,990
North Central Research Center	444,599		140,000		(584,599)		(444,599)	
Williston Research Center	790,645	\$ 71,000			(631,655)		(560,655)	
Carrington Research Center	1,070,184	125,000			(1,195,184)		(1,070,184)	
Agronomy Seed Farm Agricultural Experiment Station					30,399,449		30,399,449	
Total general fund	\$29,994,177	\$196,000 ¹	\$587,500 ²	\$247,500 ³	\$	\$ 0	\$ 1,031,000	\$31,025,177

¹ Adds funding for the value-added agriculture programs. The funding is provided for technical support, operating funds, and equipment at the Williston Research Center; and a technician (.5 FTE), operating funds, and equipment for a bison research program at the Carrington Research Center.

- 2 Adds funding for the crop production systems initiative, which provides for a wheat breeder (1 FTE), durum quality specialist (1 FTE), technical support (1 FTE), operating funds, and equipment at the Main Research Station; and a cereal crops researcher (1 FTE), operating funds, and equipment at the North Central Research Center.
- 3 Adds funding for the rangeland management initiative, which provides for technical support (1.5 FTE), operating funds, and equipment at the Dickinson Research Center; technical support (.5 FTE), operating funds, and equipment at the Central Grasslands Research Center; and operating funds for the Hettlinger Research Center to conduct a cool grasslands research study.
- 4 Salaries are removed from the entities of the Agricultural Experiment Station, except for the Agronomy Seed Farm and combined into one appropriation to be distributed to the entities by the vice president for agriculture at North Dakota State University pursuant to guidelines added in a separate section.
- 5 Increases salaries and wages at the Hettlinger Research Center by \$13,263 from special funds from livestock and grain sales to provide additional funding for temporary and overtime salaries.
- 6 Provides an additional \$200,000 of special funds that may become available for construction of a new headquarters building at the North Central Research Center. The 1995 Legislative Assembly appropriated \$300,000 from the general fund and \$300,000 from special funds for the project.
- 7 Adds a capital improvements farm shop line item of \$100,000 of Agronomy Seed Farm income for construction of a farm shop. The 1995 Legislative Assembly provided \$55,000 of Agronomy Seed Farm income for construction of a farm shop; however, because the Agronomy Seed Farm plans to expand the project, it is anticipated that the project will not begin during the 1995-97 biennium; therefore, the \$55,000 appropriated for the project during the 1995-97 biennium will not be spent.

The risk management premiums line item of \$968 is removed and the funding is included in the operating expenses line item.

REPORT OF STANDING COMMITTEE

SB 2228: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2228 was placed on the Sixth order on the calendar.

Page 1, line 1, after "enact" insert "a new section to chapter 27-12 and"

Page 1, line 2, after the third comma insert "44-04-19.2,"

Page 1, after line 8, insert:

"SECTION 1. A new section to chapter 27-12 of the North Dakota Century Code is created and enacted as follows:

Confidential records. Information provided to the state bar association regarding applicants or participants in a lawyer referral service or volunteer lawyer program administered by the state bar association is confidential."

Page 2, line 3, replace "on behalf of" with "pursuant to authority delegated to that group by"

Page 18, after line 7, insert:

"SECTION 16. Section 44-04-19.2 of the North Dakota Century Code is created and enacted as follows:

44-04-19.2. Open meetings exemption - Legislative caucuses. A caucus of members of either house of the legislative assembly may meet in an executive session that is not subject to section 44-04-19.05 if the meeting is not held on public property."

Page 19, line 29, after the underscored period insert "A committee of an institution under the authority of the state board of higher education, in lieu of the notice requirements in this section, may file in the office of the president of the institution the name, address, and telephone number of a person who may be contacted to obtain specific times, dates, and locations of any meetings of that committee or to request specific notification of each meeting of that committee.

8."

Page 20, line 3, replace "8" with "9"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2369: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2369 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "subsection" with "subsections 1 and" and after "12.1-06.1-01" insert ", subsection 3 of section 12.1-06.1-02, section 12.1-06.1-04, subsections 1, 2, 4, 5, and 7 of section 12.1-06.1-05, subsection 1 of section 12.1-06.1-06, and subsections 1 and 2 of section 12.1-06.1-07"

Page 1, line 5, replace "Subsection" with "Subsections 1 and"

Page 1, line 6, replace "is" with "are"

Page 1, after line 6, insert:

"1. For the purpose of section 12.1-06.1-02:

- a. "Combination" means persons who collaborate in carrying on or furthering the activities or purposes of a criminal association even though ~~such~~ those persons may not know each other's identity or membership in the combination may change from time to time or one or more members may stand in a wholesaler-retailer or other arm's-length relationship with others as to activities or dealings between or among themselves in an illicit operation.

- b. "Criminal association" means any combination of persons or enterprises engaging, or having the purpose of engaging, on a continuing basis in conduct which violates any one or more provisions of any felony statute of this state or which is the willful and illegal transportation or disposal of radioactive waste material or hazardous waste."

Page 1, line 7, overstrike "12.1-06.1-03" and insert immediately thereafter "12.1-06.1-02"

Page 1, line 19, remove the second "or"

Page 1, line 20, remove "hazardous waste", after "23-20.2-09" insert "or rules adopted pursuant to that section which were in effect on January 1, 1997.", and after the first "or" insert "hazardous waste in willful violation of"

Page 1, line 21, replace "implementing those statutes" with "adopted pursuant to that chapter which were in effect on January 1, 1997, except for the handling of conditionally exempt small quantities of hazardous waste as referenced in section 33-24-02-05 of the North Dakota Administrative Code"

Page 3, remove lines 1 and 2

Page 3, after line 4, insert:

"SECTION 2. AMENDMENT. Subsection 3 of section 12.1-06.1-02 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. Leading ~~organized crime~~ a criminal association is a class B felony.

SECTION 3. AMENDMENT. Section 12.1-06.1-04 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

12.1-06.1-04. Judicial powers over racketeering criminal cases. During the pendency of any criminal case charging an offense included in the definition of racketeering if it is shown to the satisfaction of the court when ruling upon the application for the order that ~~such the~~ racketeering offense has occurred as a part of a pattern of racketeering activity or a violation of section 12.1-06.1-02 or 12.1-06.1-03, the court may, in addition to its other powers, issue an order pursuant to subsections 1 and 2 of section 12.1-06.1-05. Upon conviction of a person for an offense included in the definition of racketeering if it is shown to the satisfaction of the court when ruling upon the application for the order that ~~such the~~ racketeering offense has occurred as a part of a pattern of racketeering activity or a violation of section 12.1-06.1-02 or 12.1-06.1-03, the court may, in addition to its other powers, issue an order pursuant to section 12.1-06.1-05.

SECTION 4. AMENDMENT. Subsections 1, 2, 4, 5, and 7 of section 12.1-06.1-05 of the 1995 Supplement to the North Dakota Century Code are amended and reenacted as follows:

1. A person who sustains injury to person, business, or property by a pattern of racketeering activity or by a violation of section 12.1-06.1-02 or 12.1-06.1-03 may file an action in district court for the recovery of treble damages and the costs of the suit, including reasonable attorney fees. The state may file an action in behalf of those persons injured or to prevent, restrain, or remedy a pattern of racketeering activity or a violation of section 12.1-06.1-02 or 12.1-06.1-03.
2. The district court has jurisdiction to prevent, restrain, and remedy a pattern of racketeering activity or a violation of section 12.1-06.1-02 or 12.1-06.1-03 after making provision for the rights of all innocent persons affected by ~~such the~~ violation and after hearing or trial, as appropriate, by issuing appropriate orders.
4. Following a determination of liability orders may include:
 - a. Ordering any person to divest himself of any interests, direct or indirect, in any enterprise.
 - b. Imposing reasonable restrictions on the future activities or investments of any person, including prohibiting any person from

engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect the laws of this state, to the extent the constitutions of the United States and this state permit.

- c. Ordering dissolution or reorganization of any enterprise.
 - d. Ordering the payment of treble damages and appropriate restitution to those persons injured by a pattern of racketeering activity or a violation of section 12.1-06.1-02 or 12.1-06.1-03.
 - e. Ordering the payment of all costs and expenses and reasonable attorneys' fees concerned with the prosecution and investigation of any offense included in the definition of racketeering if upon ~~such~~ application for the order it is shown to the satisfaction of the court that ~~such~~ the racketeering offense has occurred as a part of a pattern of racketeering activity or a violation of section 12.1-06.1-02 or 12.1-06.1-03, civil and criminal, incurred by the state or county as appropriate to be paid to the general fund of the state or county ~~which~~ that brings the action.
 - f. Forfeiture, pursuant to chapter 32-14, to the state school fund of the state or county as appropriate under section 29-27-02.1, to the extent not already ordered to be paid in other damages:
 - (1) Any property or other interest acquired or maintained by a person in violation of section 12.1-06.1-02 or 12.1-06.1-03.
 - (2) Any interest in, security of, claims against, or property or contractual right of any kind affording a source of influence over any enterprise ~~which~~ that a person has established, operated, controlled, conducted, or participated in the conduct of in violation of section 12.1-06.1-02 or 12.1-06.1-03.
 - (3) All proceeds traceable to an offense included in the definition of racketeering and all moneys, negotiable instruments, securities, and other things of value used or intended to be used to facilitate commission of the offense if upon application for the order it is shown to the satisfaction of the court that ~~such~~ the racketeering offense has occurred as a part of a pattern of racketeering activity.
 - g. Payment to the state school fund of the state or county as appropriate under section 29-27-02.1 of an amount equal to the gain a person has acquired or maintained through an offense included in the definition of racketeering if upon application for the order it is shown to the satisfaction of the court that ~~such~~ the racketeering offense has occurred as a part of a pattern of racketeering activity.
5. In addition to or in lieu of an action under this section the state may file an action for forfeiture to the state school fund of the state or county as appropriate under section 29-27-02.1, to the extent not already ordered paid pursuant to this section, of:
- a. Any interest acquired or maintained by a person in violation of section 12.1-06.1-02 or 12.1-06.1-03.
 - b. Any interest in, security of, claims against, or property or contractual right of any kind affording a source of influence over any enterprise ~~which~~ that a person has established, operated, controlled, conducted, or participated in the conduct of in violation of section 12.1-06.1-02 or 12.1-06.1-03.
 - c. All proceeds traceable to an offense included in the definition of racketeering and all moneys, negotiable instruments, securities, and other things of value used or intended to be used to facilitate the commission of the offense if upon application for the order it is shown to the satisfaction of the court that such racketeering offense has occurred as a part of a pattern of racketeering activity.

7. Notwithstanding any law to the contrary, the initiation of civil proceedings related to violations of any offense included in the definition of racketeering or a violation of section 12.1-06.1-02 or 12.1-06.1-03 ~~shall~~ must be commenced within seven years of actual discovery of the violation.

SECTION 5. AMENDMENT. Subsection 1 of section 12.1-06.1-06 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. The state, upon filing a civil action under section 12.1-06.1-05 or upon charging an offense included in the definition of racketeering if ~~such~~ the offense is committed as a part of a pattern of racketeering activity or a violation of section 12.1-06.1-02 or 12.1-06.1-03, may file a racketeering lien. A filing fee or other charge is not required for filing a racketeering lien.

SECTION 6. AMENDMENT. Subsections 1 and 2 of section 12.1-06.1-07 of the 1995 Supplement to the North Dakota Century Code are amended and reenacted as follows:

1. A custodian of the records of a financial institution shall, at no expense to the financial institution, produce for inspection or copying the records in the custody of the financial institution when requested to be inspected by the attorney general or a state's attorney authorized by the attorney general, ~~provided~~ if the person requesting the information signs and submits a sworn statement to the custodian that the request is made ~~in order~~ to investigate a pattern of racketeering activity or a violation of section 12.1-06.1-02 or 12.1-06.1-03. Records may be removed from the premises of the financial institution only for the purpose of copying the records and must be returned within forty-eight hours. The attorney general or an authorized state's attorney or any peace officer designated by an authorized state's attorney or the attorney general ~~is prohibited from using~~ may not use or releasing such release the information except in the proper discharge of official duties. The furnishing of records in compliance with this section by a custodian of records is a bar to civil or criminal liability against the custodian or financial institution in any action brought alleging violation of the confidentiality of the records. The fact that records have been obtained may not be released in any way by the financial institution until ninety days after the release.
2. The attorney general or the authorized state's attorney may petition the district court for enforcement of this section ~~in the event of~~ upon noncompliance with the request for inspection. Enforcement ~~shall~~ must be granted if the request is reasonable and the attorney general or the authorized state's attorney has reasonable grounds to believe the records sought to be inspected are relevant to a civil or criminal investigation of a pattern of racketeering activity or a violation of section 12.1-06.1-02 or 12.1-06.1-03."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1152, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1152 was placed on the Sixth order on the calendar.

Page 1, line 9, after "price" insert "per job"

Page 1, line 12, overstrike "original contract or subcontract"

Page 1, line 13, after "price" insert "per job"

ReNUMBER accordingly

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 2001, SB 2042, SB 2051, SB 2052, SB 2053, SB 2132, SB 2206, SB 2234, SB 2244, SB 2260, SB 2271, SB 2301, SB 2308, SB 2310, SB 2323, SB 2349, SB 2379, SB 2383, SB 2390.

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

William C. Parker, Secretary