

JOURNAL OF THE SENATE

Fifty-seventh Legislative Assembly

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Bismarck, February 7, 2001

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

The prayer was offered by Reverend Steve Wisthoff, First Baptist Church, Bismarck.

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

A quorum was declared by the President.

MOTION

SEN. CHRISTMANN MOVED that the rules be suspended, and that after action taken on the Sixth order, all bills on that order be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2265: SEN. TRENBEATH (Judiciary Committee) MOVED that the amendments on SJ page 315 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2265: A BILL for an Act to amend and reenact subsection 2 of section 6-08-16 and subsection 4 of section 6-08-16.2 of the North Dakota Century Code, relating to the civil penalty for issuing a bad check or draft.

ROLL CALL

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

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

NAYS: Christenson; Kroeplin; Stenehjem; Urlacher

Engrossed SB 2265 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2426: SEN. TRENBEATH (Judiciary Committee) MOVED that the amendments on SJ page 316 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2426: A BILL for an Act to amend and reenact section 12.1-09-04 of the North Dakota Century Code, relating to harassment of and communication with jurors; and to provide a penalty.

ROLL CALL

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

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

Engrossed SB 2426 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2383: A BILL for an Act to amend and reenact section 27-09.1-14 of the North Dakota Century Code, relating to the compensation of jurors.

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

SB 2383 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2024: A BILL for an Act to amend and reenact sections 54-27-25 and 61-02.1-05 of the North Dakota Century Code, relating to city and county employee tobacco education and cessation programs and interest earned on tobacco settlement trust 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 5 YEAS, 44 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Every; Lindaas; Mathern, T.; Nelson, C.; Polovitz

NAYS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lyson; Mathern, D.; Mutch; Nelson, G.; Nething; Nichols; O'Connell; Robinson; Schobinger; Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

SB 2024 lost.

SECOND READING OF SENATE BILL

SB 2028: A BILL for an Act to amend and reenact subsection 1 section 54-27-25 of the North Dakota Century Code, relating to moneys in the community health trust fund.

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 5 YEAS, 44 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bercier; Fischer; Krauter; Mathern, T.; Nelson, C.

NAYS: Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mutch; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

SB 2028 lost.

SECOND READING OF SENATE BILL

SB 2029: A BILL for an Act to amend and reenact subsection 3 of section 54-27-25 and section 61-02.1-05 of the North Dakota Century Code, relating to interest earned on moneys in the water development trust fund.

ROLL CALL

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

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

SB 2029 lost.

SECOND READING OF SENATE BILL

SB 2030: A BILL for an Act providing an appropriation to the state department of health for funding of sexual abstinence education grants.

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: Cook; Krauter; Mathern, T.; Wanzek

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

SB 2030 lost.

SECOND READING OF SENATE BILL

SB 2237: A BILL for an Act to provide for an appropriation for the support of an early childhood and family center.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 13 YEAS, 36 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bercier; Christenson; Every; Flakoll; Kelsh; Krauter; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Polovitz; Wardner

NAYS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mutch; Nelson, G.; Nething; Robinson; Schobinger; Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Watne

SB 2237 lost.

SECOND READING OF SENATE BILL

SB 2247: A BILL for an Act to create and enact a new subsection to section 26.1-26-09 of the North Dakota Century Code, relating to an exemption from insurance licensing requirements for nonresident insurance agents.

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 7 YEAS, 42 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Lee; Lyson; Polovitz; Schobinger; Traynor; Watne

NAYS: Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Robinson; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Trenbeath; Urlacher; Wanzek; Wardner

SB 2247 lost.

SECOND READING OF SENATE BILL

SB 2301: A BILL for an Act to create and enact a new section to chapter 16.1-13 of the North Dakota Century Code, relating to preparations for special elections to fill vacancies.

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

YEAS: Holmberg

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

SB 2301 lost.

SECOND READING OF SENATE BILL

SB 2437: A BILL for an Act to create and enact chapter 49-24 of the North Dakota Century Code, relating to telephone solicitation sales; to provide a penalty; 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 14 YEAS, 35 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bercier; Christenson; Every; Heitkamp; Kelsh; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; Polovitz; Tomac

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

SB 2437 lost.

POINT OF PERSONAL PRIVILEGE

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

REMARKS OF SENATOR DEVER

Tomorrow marks the ninety-first birthday of the Boy Scouts of America. On February 8, 1910, William Boyce of Chicago (and formerly of Lisbon, ND) chartered the organization here. He first encountered Boy Scouts on a visit to London. On a very foggy London night, Mr. Boyce became lost and was assisted by a young boy in uniform. When he offered to pay the young

boy, the boy told him he was a Boy Scout and he was just doing a good turn. Mr. Boyce was so intrigued that he sought out the founder of Boy Scouts, Robert Baden-Powell and learned of the organization. Mr. Baden-Powell, a life-long British military man, became famous for his leadership in the Boer War in South Africa. He wanted to use his fame to help boys become better men and to have fun while they were doing it. When Mr. Boyce returned to the United States, he promptly chartered the organization in the U.S.

In the ninety-one years since, over 100 million young American boys and girls have grown into adulthood learning strong values and strong morals from their adult leaders. As the world has gotten more complex, the group still holds to its oath:

"On my honor, I will do my best to do my duty to God and my country and obey the Scout Law; to help other people at all times, to keep myself physically strong, mentally awake and morally straight."

Lately, Scouts have come under attack in certain quarters for keeping up their standards but all that has happened is unprecedented growth in Scouting. Today, over 3.4 million young people belong to Cub Scouts, Boy Scouts, Explorers or Venturers. Last year, Scouting added over 128,000 new members and a reason for the growth is simple - parents are concerned about what is going on in society and want positive role models for their kids - which Scouting provides. Scouting is a life-long commitment to what is best about America and which these young people before us exemplify.

Not to be forgotten are the 1.2 million adults that give unselfishly of their time and dollars to help Scouting. Many in this Chamber are current or past adult leaders and many others are former Scouts. I would ask them all to stand so that our guests can see that they stand among friends!

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2009, SB 2114, SB 2224, SB 2245, SB 2253, SB 2280, SB 2292, SB 2300, SB 2334, SB 2350.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1017.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1031, HB 1239, HB 1245, HB 1323, HB 1332, HB 1335, HB 1408.

MOTION

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

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, February 8, 2001, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2013: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). SB 2013 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "lands and minerals trust" with "oil and gas impact grant"

Page 1, line 7, remove "and other income"

Page 1, after line 22, insert:

"SECTION 4. LEGISLATIVE INTENT - SALE OF CERTAIN TRUST LANDS. It is the intent of the fifty-seventh legislative assembly that the board of university and school lands evaluate all parcels of land owned by the common schools trust fund and other educational trust funds to determine if individual parcels are producing a positive annual rate of return, excluding appreciation in value. It is the intent of the fifty-seventh legislative assembly that the board sell, during the biennium beginning July 1, 2001, and ending June 30, 2003, those parcels which are not producing a positive annual rate of return."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2013 - Land Department - Senate Action

This amendment adds a section of legislative intent to provide that during the 2001-03 biennium the Board of University and School Lands evaluate land owned by the common schools trust fund and other educational trust funds and sell those parcels not producing a positive annual rate of return.

REPORT OF STANDING COMMITTEE

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

Page 1, line 3, after the second semicolon insert "to limit Bank of North Dakota transfers to the general fund; to provide legislative intent; to provide for a legislative council study;"

Page 1, line 13, replace "6,350,025" with "6,330,025"

Page 1, line 14, replace "1,733,669" with "1,805,269"

Page 1, line 19, replace "42,898,571" with "42,950,171"

Page 1, line 21, replace "7,312,581" with "7,364,181"

Page 2, line 22, replace "3,370,875" with "3,369,713"

Page 2, line 27, replace "39,873,425" with "39,872,263"

Page 2, line 28, replace "15,812,581" with "15,864,181"

Page 2, line 29, replace "127,981,576" with "127,980,414"

Page 2, line 30, replace "143,794,157" with "143,844,595"

Page 4, line 24, after the semicolon insert "for nonmatching externality studies and activities in externality proceedings;"

Page 4, line 25, remove the semicolon

Page 5, line 22, replace "PACE" with "BEGINNING FARMER"

Page 5, line 24, replace "partnership in assisting community expansion" with "beginning farmer loan"

Page 5, after line 26, insert:

"SECTION 14. BANK OF NORTH DAKOTA TRANSFERS TO GENERAL FUND - LIMITATIONS. Any transfer provided for in House Bill No. 1015 may only be made to the extent that the transfer does not reduce the Bank's capital structure below \$140,000,000.

SECTION 15. LEGISLATIVE INTENT - FULL-TIME EQUIVALENT POSITION. It is the intent of the legislative assembly that the new information technology coordinator position included in the salaries and wages line item in subdivision 1 of section 1 of this Act be shared by the oil and gas division and geological survey as directed by the industrial commission for the biennium beginning July 1, 2001, and ending June 30, 2003.

SECTION 16. LEGISLATIVE COUNCIL STUDY - INDUSTRIAL COMMISSION. The legislative council shall consider studying during the 2001-02 interim the mission of the industrial commission relating to the responsibilities of the oil and gas division and geological survey and the potential for efficiencies resulting from shared administrative and service delivery functions."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2015 - Summary of Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Industrial Commission			
Total all funds	\$42,898,571	\$51,600	\$42,950,171
Less estimated income	35,585,990		35,585,990
General fund	\$7,312,581	\$51,600	\$7,364,181
Bank of North Dakota			
Total all funds	\$39,280,867	\$0	\$39,280,867
Less estimated income	30,780,867		30,780,867
General fund	\$8,500,000	\$0	\$8,500,000
Housing Finance Agency			
Total all funds	\$39,873,425	(\$1,162)	\$39,872,263
Less estimated income	39,873,425	(1,162)	39,872,263
General fund	\$0	\$0	\$0
Mill and Elevator			
Total all funds	\$21,741,294	\$0	\$21,741,294
Less estimated income	21,741,294		21,741,294
General fund	\$0	\$0	\$0
Bill Total			
Total all funds	\$143,794,157	\$50,438	\$143,844,595
Less estimated income	127,981,576	(1,162)	127,980,414
General fund	\$15,812,581	\$51,600	\$15,864,181

Senate Bill No. 2015 - Industrial Commission - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$6,350,025	(\$20,000)	\$6,330,025
Operating expenses	1,733,669	71,600	1,805,269
Equipment	154,000		154,000
Grants	16,450,000		16,450,000
Bond payments	17,956,059		17,956,059
Geophysical exploration	254,818		254,818
Total all funds	\$42,898,571	\$51,600	\$42,950,171
Less estimated income	35,585,990		35,585,990
General fund	\$7,312,581	\$51,600	\$7,364,181
FTE	63.00	0.00	63.00

Dept. 405 - Industrial Commission - Detail of Senate Changes

	INCREASES OPERATING FOR INCREASED LEASE AND MOVING COSTS	DECREASES SALARIES FROM SAVINGS FROM TURNOVER AND EFFICIENCIES	TOTAL SENATE CHANGES
Salaries and wages		(\$20,000)	(\$20,000)
Operating expenses	\$71,600		71,600
Equipment			
Grants			
Bond payments			
Geophysical exploration			
Total all funds	\$71,600	(\$20,000)	\$51,600
Less estimated income			
General fund	\$71,600	(\$20,000)	\$51,600
FTE	0.00	0.00	0.00

Senate Bill No. 2015 - Housing Finance Agency - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$3,370,875	(\$1,162)	\$3,369,713
Operating expenses	2,213,510		2,213,510
Equipment	125,000		125,000
Grants	34,064,040		34,064,040
Housing Finance Agency contingency	100,000		100,000
Total all funds	\$39,873,425	(\$1,162)	\$39,872,263
Less estimated income	39,873,425	(1,162)	39,872,263
General fund	\$0	\$0	\$0
FTE	38.00	0.00	38.00

Dept. 473 - Housing Finance Agency - Detail of Senate Changes

	ADJUST MARKET EQUITY SALARY INCREASE ¹	TOTAL SENATE CHANGES
Salaries and wages	(\$1,162)	(\$1,162)
Operating expenses		
Equipment		
Grants		
Housing Finance Agency contingency	_____	_____
Total all funds	(\$1,162)	(\$1,162)
Less estimated income	<u>(1,162)</u>	<u>(1,162)</u>
General fund	\$0	\$0
FTE	0.00	0.00

¹ This amendment reduces, from \$5,073 to \$3,911, the amount provided for a market equity salary increase for the director. The amount included in the bill will provide for a salary increase of \$186 per month for the last 18 months of the biennium.

Senate Bill No. 2015 - Other Changes - Senate Action

This amendment also:

- Amends Section 10 of the bill as introduced to allow moneys appropriated for lignite research to be used for nonmatching externality activities.
- Amends Section 13 of the bill as introduced to allow the Bank of North Dakota to transfer funds between the beginning farmer loan fund and the Ag PACE fund instead of between PACE and Ag PACE.
- Adds a new section that limits transfers from the Bank of North Dakota to the general fund if the transfer would reduce the Bank's capital structure below \$140 million.
- Adds a new section of legislative intent that the new information technology coordinator position be shared between the Oil and Gas Division and Geological Survey as directed by the Industrial Commission.
- Adds a new section to provide for a Legislative Council study of the mission of the Industrial Commission relating to the responsibilities of the Oil and Gas Division and Geological Survey.

REPORT OF STANDING COMMITTEE

SB 2037: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2037 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2038: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2038 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2040: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2040 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2069: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2069 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2070: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2070 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2071: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2071 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2086: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2086 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2098, as engrossed: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2098 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 23-09.3-01.1 and"

Page 1, line 2, after "of" insert "basic and" and replace "; and to repeal section" with a period

Page 1, remove lines 3 and 4

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Section 23-09.3-01.1 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

23-09.3-01.1. Moratorium on expansion of basic care bed capacity. ~~Except when existing beds are converted for use by the alzheimer's and related dementia population under the projects provided for in section 50-06-14.4, the department may not issue a license under this chapter for any additional bed capacity above the state's gross licensed capacity of one thousand four hundred seventy one beds, adjusted by any reduction in beds before July 31, 1999, during the period between August 1, 1999, and July 31, 2001. Transfers of existing beds from one municipality to another municipality must be approved if the licensing requirements are met, during the period August 1, 1999, to July 31, 2001, only to the extent that for each bed transfer approved the total number of licensed beds in the state is reduced by the same number transferred. Existing licensed beds released by a facility which are not immediately transferred to another facility may not be banked for future transfer to another facility. The state department of health may not issue a license for any additional bed capacity. Transfer of existing beds may occur to the extent that for each bed transferred, one is reduced by the same number. Existing licensed beds released by any facility and transferred to a tribal facility must become licensed within eighteen months of transfer. Purchasing of facilities is not subject to the two for one transfer provision.~~

Page 1, remove lines 22 and 23

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2099: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2099 was placed on the Sixth order on the calendar.

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

Page 1, line 14, remove "two hundred"

Page 1, after line 16, insert:

"SECTION 2. AMENDMENT. Subsection 3 of section 38-08-04.5 of the North Dakota Century Code is amended and reenacted as follows:

3. All moneys collected under this section must be deposited in the abandoned oil and gas well plugging and site reclamation fund. This fund must be maintained as a special fund and all moneys transferred into the fund are hereby appropriated and must be used and disbursed solely for the purpose of defraying the costs incurred in carrying out the plugging or replugging of wells, the reclamation of well sites, and all other related activities. However, when the ~~money fees~~ fees accumulated in the fund ~~exceeds~~ exceed two hundred fifty thousand dollars, any additional fees collected by the oil and gas division of the industrial commission must be deposited in the general fund."

Page 2, after line 8, insert:

"**SECTION 5. EFFECTIVE DATE.** Section 2 of this Act becomes effective on July 1, 2003."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2124: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2124 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "15 U.S.C.A. 2601" with "title 40, Code of Federal Regulations, part 745, sections 220, 223, 225, 226, 227, and 233."

Page 1, remove line 16

Page 2, line 12, after "abatement" insert "in accordance with title 40, Code of Federal Regulations, part 745, sections 220, 223, 225, 226, 227, and 233"

Page 3, line 9, after the second comma insert "the sum of \$13,000, or so much of the sum as may be necessary,"

Page 3, line 10, replace "\$130,000" with "\$117,000"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2153: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2153 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "Notwithstanding" with "The limitation of action provided by" and replace ", a legal action brought" with "is tolled by the filing of a claim with the commissioner until the commissioner determines the claim is not enforceable or the commissioner reassigns the claim to the employee."

Page 1, remove lines 14 and 15

Page 1, line 16, remove "by the commissioner to the employee."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2233: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2233 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2238: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2238 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2246: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2246 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to provide for"

Page 1, line 3, remove "retroactive application"

Page 1, line 7, remove "acquisition,"

Page 1, line 9, remove "acquisition," and remove the second comma

Page 1, line 17, after "duties" insert ", except if a trustee purchases or acquires a new or replacement policy for the trust which was not selected by the original grantor under the trust instrument"

Page 1, remove lines 18 through 20

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2276: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2276 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "up to" with "no more than"

Page 1, line 16, after "that" insert "have fewer than ten thousand residents and that" and after "dentist" insert a comma

Page 2, line 29, after the semicolon insert "and"

Page 2, line 30, replace "; and" with a period

Page 3, line 1, replace "c. Shall" with "3. One of the dentists selected annually shall"

Page 3, line 2, after "communities" insert "having fewer than two thousand residents. Each of the remaining dentists selected annually shall contract to provide full-time dental services for a minimum of four years in one or more selected communities having fewer than ten thousand residents"

Page 4, line 22, replace "general" with "community health trust"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2306: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2306 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2320: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2320 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new chapter to title 58, a new subsection to section 58-03-07, and a new subsection to section 58-06-01 of the North Dakota Century Code, relating to a township infrastructure maintenance fund and imposition of a township gross receipts tax.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 58-03-07 of the North Dakota Century Code is created and enacted as follows:

To authorize an infrastructure maintenance fund tax in accordance with section 3 of this Act.

SECTION 2. A new subsection to section 58-06-01 of the North Dakota Century Code is created and enacted as follows:

To impose an infrastructure maintenance fund tax in accordance with section 3 of this Act.

SECTION 3. A new chapter to title 58 of the North Dakota Century Code is created and enacted as follows:

Definitions. In this chapter, unless the context otherwise requires:

1. "Gross receipts tax" means a tax, other than a sales or use tax, which is imposed on and measured by the gross receipts from sales made by a business operating in the county, whether those sales are made within or outside the township. Taxes imposed under this chapter may be added to the purchase price of items sold.
2. "Taxpayer" means any corporation, limited liability company, partnership, firm, association, or person acting as a business entity and having income from a business activity which is taxable both within and without the township.

Infrastructure maintenance fund - Gross receipts tax - Balance limit. The electors of a township at an annual meeting or special meeting may establish a gross receipts tax and a special fund to be known as the infrastructure maintenance fund to be used to provide for infrastructure maintenance of township roads. Once approved by the electors, the township board of supervisors by resolution shall impose a tax not to exceed one percent on the gross receipts of taxpayers within the township. The tax under this chapter may not be imposed in an amount in dollars which would bring the balance in the infrastructure maintenance fund to more than twenty-five thousand dollars. Interest and income of the fund must be retained in the fund except that any earnings that would bring the balance in the fund to more than twenty-five thousand dollars must be deposited in the township general fund.

Notice - Collection.

1. The township clerk shall notify by certified mail all taxpayers in the township within thirty days of the establishment of the fund. The notice must include:
 - a. A unique reporting number for each business.
 - b. The percentage rate of tax to be collected.
 - c. The beginning day for collection of the tax, commencing the first day of the ensuing calendar quarter.
 - d. The name and address of the township treasurer.
2. Each taxpayer shall collect the tax and remit the tax along with records reporting actual gross receipts by the fifteenth day of the month following each calendar quarter to the township treasurer.
3. When the fund reaches seventy-five percent of the maximum allowable, the township treasurer shall notify by certified mail all taxpayers collecting the tax to end the collections at the end of the current calendar quarter.
4. The township treasurer shall notify by certified mail all taxpayers to reinstate the tax to begin the first day of the month of the ensuing calendar quarter when the fund drops below twenty-five percent.

Infrastructure maintenance fund uses. The infrastructure maintenance fund shall be used for acquiring, constructing, extending, repairing, or otherwise improving, operating, or maintaining township roads.

Confidentiality. All officers of a township shall guard the secrecy of information received from a taxpayer. Any information contained on statements or financial records shall be limited to such data as is necessary to comply with the collection of the tax and for purposes of auditing under the authority granted in this chapter. Any information provided by a township to the public must be made in a manner that will not reveal the names of taxpayers.

Exemptions. There are specifically exempted from the provisions of this chapter and from computation of the amount of tax imposed by it the following taxpayers:

1. Those engaged in the activity of farming.
2. A public utility.

3. Those located within an incorporated city within the township."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2325: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2325 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2341: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2341 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2346: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2346 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "taxable" and after the comma insert "not including property owned by a political subdivision."

Page 1, line 12, remove "the taxable property included within"

Page 1, line 13, after the comma insert "not including property owned by a political subdivision."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2351: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2351 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2360: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2360 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2366: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2366 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2374: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2374 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2391: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2391 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2412: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2412 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "twenty" with "thirty"

Page 1, line 15, replace "twenty" with "thirty"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2434: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2434 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2440: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2440 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2443: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2443 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4021: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SCR 4021 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE BILLS

HB 1017: A BILL for an Act to provide an appropriation for defraying the expenses of the adjutant general; and to declare an emergency.

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

HB 1031: A BILL for an Act to amend and reenact subsection 1 of section 4-33-11, section 32-12.1-08, subsection 13 of section 40-49-12, section 40-55-09, subdivision a of subsection 2 of section 57-15-01.1, and sections 57-15-12, 57-15-12.1, 57-15-12.2, 57-15-12.3, 57-15-28.1, and 57-15-60 of the North Dakota Century Code, relating to consolidation of property tax levy authority of park districts; to repeal section 57-15-37 of the North Dakota Century Code, relating to a tax levy for airport purposes in park districts; and to provide an effective date.

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

HB 1239: A BILL for an Act to amend and reenact sections 39-06.1-06 and 39-09-02 of the North Dakota Century Code, relating to the fees for violating school zone speed limits.

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

HB 1245: A BILL for an Act to amend and reenact subsection 1 of section 39-06-14 of the North Dakota Century Code, relating to an operator's license number.

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

HB 1323: A BILL for an Act to provide for legislative council correction of references by the fifty-seventh legislative assembly to the North Dakota firemen's association; and to amend and reenact sections 18-03-01, 18-03-02, 18-03-03, 18-03-04, 18-03-05, 18-03-06, 18-03-07, 18-03-08, 18-04-01, 18-04-08, 18-10-16, and 26.1-01-07.5 of the North Dakota Century Code, relating to the North Dakota firefighter's association.

Was read the first time and referred to the **Political Subdivisions Committee**.

HB 1332: A BILL for an Act to create and enact a new section to chapter 11-10 of the North Dakota Century Code, relating to counties not issuing refunds of taxes or fees unless the amount to be refunded is five dollars or more.

Was read the first time and referred to the **Political Subdivisions Committee**.

HB 1335: A BILL for an Act to amend and reenact sections 15.1-09-14, 15.1-09-15, 15.1-09-24, 15.1-09-25, 40-09-04, 40-21-02, 40-21-07, and 40-21-12 of the North Dakota Century Code, relating to canvassing school district election results, members of school boards taking oaths of office and failing to qualify for office, terms of city commissioners, withdrawal of city nominating petitions, and canvassing city election results.

Was read the first time and referred to the **Political Subdivisions Committee**.

HB 1408: A BILL for an Act to provide for adoption of the midwest interstate passenger rail compact; and to provide an expiration date.

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

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

WILLIAM R. HORTON, Secretary