

JOURNAL OF THE SENATE

Fifty-eighth Legislative Assembly

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Bismarck, February 11, 2003

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

The prayer was offered by Pastor Bob Weiss, Bismarck Baptist Church, Bismarck.

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

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

SB 2363: SEN. LYSON (Natural Resources Committee) MOVED that the amendments on SJ page 300 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2319: SEN. NICHOLS (Agriculture Committee) MOVED that the amendments on SJ pages 299-300 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2255: SEN. LYSON (Judiciary Committee) MOVED that the amendments on SJ page 284 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the rules be suspended and after action taken on the Sixth order, the remaining 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 2298: SEN. KLEIN (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 284-287 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2298: A BILL for an Act to amend and reenact section 65-01-08 of the North Dakota Century Code, relating to workers' compensation coverage of staffing services.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Urlacher; Wardner

ABSENT AND NOT VOTING: Traynor; Trenbeath

Engrossed SB 2298 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2393: SEN. HEITKAMP (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 301-302 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2393: A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota Century Code, relating to duties of the department of commerce division of

workforce development; and to amend and reenact section 54-60-04 of the North Dakota Century Code, relating to duties of the North Dakota economic development foundation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Urlacher; Wardner

ABSENT AND NOT VOTING: Traynor; Trenbeath

Engrossed SB 2393 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2167: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 283-284 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2167: A BILL for an Act to provide for a legislative council study of the workers compensation bureau's treatment of after-acquired medical evidence.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Urlacher; Wardner

ABSENT AND NOT VOTING: Traynor; Trenbeath

Engrossed SB 2167 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2404: SEN. HOLMBERG (Appropriations Committee) MOVED that the amendments on SJ pages 302-303 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2404: A BILL for an Act to amend and reenact subsection 2 of section 15 of chapter 173 of the 2001 Session Laws, relating to the use of contingent payments for the compensation of teachers employed at the youth correctional center; to provide an appropriation; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Urlacher; Wardner

ABSENT AND NOT VOTING: Traynor; Trenbeath

Engrossed SB 2404 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2223: SEN. J. LEE (Political Subdivisions Committee) MOVED that the amendments on SJ page 284 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2223: A BILL for an Act to authorize for a city or county to require the submission of fingerprints of an applicant for certain city or county employment.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Urlacher; Wardner

NAYS: Heitkamp; Nichols

ABSENT AND NOT VOTING: Traynor; Trenbeath

Engrossed SB 2223 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2371: SEN. TAYLOR (Education Committee) MOVED that the amendments on SJ page 301 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2371: A BILL for an Act to create and enact a new section to chapter 15.1-27 of the North Dakota Century Code, relating to a county equalization factor.

ROLL CALL

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

YEAS: Cook; Flakoll

NAYS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Urlacher; Wardner

ABSENT AND NOT VOTING: Traynor; Trenbeath

Engrossed SB 2371 lost.

CONSIDERATION OF AMENDMENTS

SB 2306: SEN. DEVER (Judiciary Committee) MOVED that the amendments on SJ pages 287-299 be adopted and then be placed on the Eleventh order **WITHOUT RECOMMENDATION**, which motion prevailed.

REQUEST

SEN. MATHERN REQUESTED that the motion to immediately place Engrossed SB 2306 on the Eleventh order be withdrawn and that the bill proceed to the **Appropriations Committee**.

RULING BY THE PRESIDENT

PRESIDENT DALRYMPLE RULED that Engrossed SB 2306 would proceed directly to the Eleventh order unless the motion was withdrawn.

MOTION

SEN. MATHERN MOVED that Engrossed SB 2306 be immediately rereferred to the **Appropriations Committee**, which motion failed.

REQUEST

SEN. MATHERN REQUESTED that Engrossed SB 2306 be immediately rereferred to the **Appropriations Committee**, which request was denied.

SECOND READING OF SENATE BILL

SB 2306: A BILL for an Act to provide for a state policy against discrimination; to create and enact chapters 14-02.7, 14-02.8, 14-02.9, and 14-02.10 of the North Dakota Century Code, relating to human rights and the establishment of a commission on human rights; to repeal chapters 14-02.4 and 14-02.5 of the North Dakota Century Code, relating to human rights and housing discrimination; and to provide a penalty.

MOTION

SEN. MATHERN MOVED that Engrossed SB 2306 be laid over one day.

REQUEST

SEN. MATHERN REQUESTED a recorded roll call vote on the motion to lay over Engrossed SB 2306, which request was granted.

ROLL CALL

The question being on the motion to lay over Engrossed SB 2306 for one day, the roll was called and there were 17 YEAS, 28 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bercier; Christenson; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; Nichols; O'Connell; Polovitz; Robinson; Seymour; Syverson; Tallackson; Taylor

NAYS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Schobinger; Stenehjerm; Thane; Tollefson; Urlacher; Wardner

ABSENT AND NOT VOTING: Traynor; Trenbeath

The motion to lay over Engrossed SB 2306 for one day failed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 16 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bercier; Christenson; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; Nichols; O'Connell; Polovitz; Robinson; Seymour; Tallackson; Taylor

NAYS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Schobinger; Stenehjerm; Syverson; Thane; Tollefson; Urlacher; Wardner

ABSENT AND NOT VOTING: Traynor; Trenbeath

Engrossed SB 2306 lost.

CONSIDERATION OF AMENDMENTS

SB 2359: SEN. BROWN (Human Services Committee) MOVED that the amendments on SJ page 300 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2359: A BILL for an Act to provide for the designation of a regional human service center for program supervision in cases of multicounty program administration.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg;

Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Urlacher; Wardner

ABSENT AND NOT VOTING: Mutch; Traynor; Trenbeath

Engrossed SB 2359 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2364: SEN. FISCHER (Human Services Committee) MOVED that the amendments on SJ pages 300-301 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2364: A BILL for an Act to create and enact a new subsection to section 50-29-02 and three new subsections to section 50-29-04 of the North Dakota Century Code, relating to duties of the department of human services and coverage under the children's health insurance program; and to amend and reenact section 50-29-01 of the North Dakota Century Code, relating to definitions under the children's health insurance program.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Tallackson; Taylor; Thane; Tollefson; Urlacher; Wardner

NAYS: Brown; Fischer; Lee, J.; Stenehjem; Syverson

ABSENT AND NOT VOTING: Traynor; Trenbeath

Engrossed SB 2364 passed and the title was agreed to.

REQUEST

SEN. SYVERSON REQUESTED that the record show he intended to vote YEA on SB 2364, which request was granted.

CONSIDERATION OF AMENDMENTS

SB 2018: SEN. HOLMBERG (Appropriations Committee) MOVED that the amendments on SJ page 283 be adopted and then be placed on the Eleventh order with **DO PASS**.

REQUEST

SEN. EVERY REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2018, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to SB 2018, the roll was called and there were 28 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Schobinger; Stenehjem; Syverson; Thane; Tollefson; Urlacher; Wardner

NAYS: Bercier; Christenson; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Seymour; Tallackson; Taylor

ABSENT AND NOT VOTING: Traynor; Trenbeath

The motion to adopt the amendments to SB 2018 passed.

SECOND READING OF SENATE BILL

SB 2018: A BILL for an Act to provide an appropriation for defraying the expenses of the state seed department.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nething; Nichols; Polovitz; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Urlacher; Wardner

NAYS: Bercier; Christenson; Fairfield; Nelson; O'Connell

ABSENT AND NOT VOTING: Traynor; Trenbeath

Engrossed SB 2018 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that SB 2280 be returned to the Senate floor from the **Appropriations Committee** and be placed on the Eleventh order on the calendar for Legislative Day 27, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the Senate proceed to the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2076: A BILL for an Act to amend and reenact subsections 1 and 2 of section 57-36-25, subsections 1 and 2 of section 57-36-26, subsection 1 of section 57-36-27, and section 57-36-32 of the North Dakota Century Code, relating to rates of taxation on tobacco products.

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

YEAS: Christenson; Fischer; Flakoll; Grindberg; Kilzer; Lee, G.; Lee, J.; Lindaas; Mathern; Nelson; Polovitz; Robinson; Tallackson

NAYS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Freborg; Heitkamp; Holmberg; Klein; Krauter; Krebsbach; Kringstad; Lyson; Mutch; Nething; Nichols; O'Connell; Schobinger; Seymour; Stenehjerm; Syverson; Taylor; Thane; Tollefson; Urlacher; Wardner

ABSENT AND NOT VOTING: Traynor; Trenbeath

SB 2076 lost.

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 2044, SB 2081, SB 2292, SB 2385, SB 2388, SB 2407.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2323, SB 2417.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1077, HB 1103, HB 1190, HB 1193, HB 1204, HB 1252, HB 1275, HB 1309, HB 1321, HB 1330, HB 1331, HB 1355, HB 1360, HB 1364, HB 1369, HB 1374, HB 1380, HB 1382, HB 1390, HB 1393, HB 1395, HB 1410, HB 1414, HB 1419, HB 1441, HB 1457.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1261.

MOTION

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

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, February 12, 2003, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2001: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2001 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to amend and reenact sections 54-07-04 and 54-08-03 of the North Dakota"

Page 1, line 3, remove "Century Code, relating to the salaries of the governor and lieutenant governor"

Page 1, line 10, replace "2,034,197" with "2,011,604"

Page 1, line 18, replace "3,140,441" with "3,117,848"

Page 1, line 20, replace "2,360,441" with "2,337,848"

Page 2, remove lines 1 through 12

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2001 - Governor's Office - Senate Action

| | EXECUTIVE BUDGET | SENATE CHANGES | SENATE VERSION |
|---------------------------|------------------|----------------|----------------|
| Salaries and wages | \$2,034,197 | (\$22,593) | \$2,011,604 |
| Operating expenses | 269,944 | | 269,944 |
| Grants | 760,000 | | 760,000 |
| Contingencies | 10,000 | | 10,000 |
| Rough Rider Awards | 10,800 | | 10,800 |
| Presidential electors | 500 | | 500 |
| Governor's transition in | 15,000 | | 15,000 |
| Governor's transition out | 40,000 | | 40,000 |
| Total all funds | \$3,140,441 | (\$22,593) | \$3,117,848 |
| Less estimated income | <u>780,000</u> | | <u>780,000</u> |
| General fund | \$2,360,441 | (\$22,593) | \$2,337,848 |
| FTE | 16.30 | 0.00 | 16.30 |

Dept. 101 - Governor's Office - Detail of Senate Changes

| | REMOVES RECOMMENDED SALARY INCREASE ¹ | TOTAL SENATE CHANGES |
|---------------------------|--|----------------------|
| Salaries and wages | (\$22,593) | (\$22,593) |
| Operating expenses | | |
| Grants | | |
| Contingencies | | |
| Rough Rider Awards | | |
| Presidential electors | | |
| Governor's transition in | | |
| Governor's transition out | | |
| Total all funds | (\$22,593) | (\$22,593) |
| Less estimated income | | |
| General fund | (\$22,593) | (\$22,593) |
| FTE | 0.00 | 0.00 |

¹ This amendment removes the Governor's recommendation for state employee salary increases. Section 3 of the bill is removed which provided the statutory changes relating to the Governor and Lieutenant Governor's salaries. Their salaries will remain at the current level of \$87,216 for the Governor and \$67,708 for the Lieutenant Governor.

REPORT OF STANDING COMMITTEE

SB 2005: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2005 was placed on the Sixth order on the calendar.

Page 1, line 1, remove the semicolon

Page 1, remove line 2

Page 1, line 3, remove "salary of the state treasurer"

Page 1, line 10, replace "600,929" with "594,449"

Page 1, line 11, replace "101,156" with "123,656"

Page 1, line 13, replace "2,612,085" with "2,628,105"

Page 1, remove lines 14 through 20

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**Senate Bill No. 2005 - State Treasurer - Senate Action**

| | EXECUTIVE BUDGET | SENATE CHANGES | SENATE VERSION |
|-------------------------|---------------------|-------------------|-------------------|
| Salaries and wages | \$600,929 | (\$6,480) | \$594,449 |
| Operating expenses | 101,156 | 22,500 | 123,656 |
| In lieu of tax payments | <u>1,910,000</u> | | <u>1,910,000</u> |
| Total all funds | \$2,612,085 | \$16,020 | \$2,628,105 |
| Less estimated income | | | |
| General fund | \$2,612,085 | \$16,020 | \$2,628,105 |
| FTE | 6.00 | 0.00 | 6.00 |

Dept. 120 - State Treasurer - Detail of Senate Changes

| | DECREASES FUNDING FOR PROFESSIONAL DEVELOPMENT ¹ | PROVIDES FUNDING FOR PROGRAMMING UPGRADES ² | PROVIDES FUNDING FOR FILE STORAGE UNITS ³ | REMOVES RECOMMENDED SALARY INCREASE ⁴ | TOTAL SENATE CHANGES |
|-------------------------|--|---|--|---|----------------------------|
| Salaries and wages | | | | (\$6,480) | (\$6,480) |
| Operating expenses | (\$1,000) | \$18,500 | \$5,000 | | 22,500 |
| In lieu of tax payments | | | | | |
| Total all funds | (\$1,000) | \$18,500 | \$5,000 | (\$6,480) | \$16,020 |
| Less estimated income | | | | | |
| General fund | (\$1,000) | \$18,500 | \$5,000 | (\$6,480) | \$16,020 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

¹ This amendment decreases funding for professional development.

² This amendment provides funding for the State Treasurer to use the services of the Information Technology Department for repairs and upgrades to programming.

³ This amendment provides funding for the State Treasurer to purchase adequate storage units for the new check design.

⁴ This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

REPORT OF STANDING COMMITTEE

SB 2020: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2020 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "5,135,558" with "5,083,969"

Page 1, line 12, replace "889,544" with "827,044"

Page 1, line 15, replace "1,025,295" with "923,953"

Page 1, line 16, replace "9,289,030" with "9,073,599"

Page 1, line 18, replace "7,370,488" with "7,155,057"

Page 2, after line 3, insert:

"SECTION 4. COMPACT STORAGE UNITS. The state historical society may spend moneys appropriated in the capital assets line item in section 1 of this Act to purchase compact storage units, for the period beginning with the effective date of this Act and ending June 30, 2005."

Page 2, line 4, after "1" insert "and section 4" and replace "is" with "are"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2020 - State Historical Society - Senate Action

| | EXECUTIVE BUDGET | SENATE CHANGES | SENATE VERSION |
|---|---------------------|-------------------|-------------------|
| Salaries and wages | \$5,135,558 | (\$51,589) | \$5,083,969 |
| Operating expenses | 1,234,141 | | 1,234,141 |
| Capital assets | 889,544 | (62,500) | 827,044 |
| Grants | 1,000,000 | | 1,000,000 |
| Yellowstone-Missouri-Fort Union Commission | 4,492 | | 4,492 |
| Lewis and Clark Bicentennial | <u>1,025,295</u> | <u>101,342</u> | <u>923,953</u> |
| Total all funds | \$9,289,030 | (\$215,431) | \$9,073,599 |
| Less estimated income | <u>1,918,542</u> | _____ | <u>1,918,542</u> |
| General fund | \$7,370,488 | (\$215,431) | \$7,155,057 |
| FTE | 57.00 | 0.00 | 57.00 |

Dept. 701 - State Historical Society - Detail of Senate Changes

| | REMOVES RECOMMENDED SALARY INCREASE ¹ | DECREASES FUNDING FOR CAPITAL ASSETS LINE ITEM ² | DECREASES FUNDING FOR LEWIS AND CLARK BICENTENNIAL LINE ITEM | TOTAL SENATE CHANGES |
|---|--|--|---|-------------------------|
| Salaries and wages | (\$51,589) | | | (\$51,589) |
| Operating expenses | | | | |
| Capital assets | | (\$62,500) | | (\$62,500) |
| Grants | | | | |
| Yellowstone-Missouri-Fort Union Commission | | | | |
| Lewis and Clark Bicentennial | <u>(1,342)</u> | _____ | <u>(\$100,000)</u> | <u>(101,342)</u> |
| Total all funds | (\$52,931) | (\$62,500) | (\$100,000) | (\$215,431) |
| Less special funds | _____ | _____ | _____ | _____ |
| General fund | (\$52,931) | (\$62,500) | (\$100,000) | (\$215,431) |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 |

¹ This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

² This amendment reduces the capital assets line item. The department may determine the specific project funding to be reduced.

This amendment also adds a section authorizing the State Historical Society to use moneys appropriated in the capital assets line item to purchase compact storage units.

REPORT OF STANDING COMMITTEE

SB 2060: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2060 was placed on the Sixth order on the calendar.

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

Page 1, line 4, remove "54-52.1-04, 54-52.1-04.2,"

Page 1, line 6, remove ", contracting for group insurance coverage,"

Page 1, line 7, remove "; to provide an appropriation; and to provide a continuing"

Page 1, line 8, remove "appropriation"

Page 3, remove lines 9 through 29

Page 4, remove lines 1 through 31

Page 6, remove lines 11 through 15

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2291: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2291 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2311: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2311 was placed on the Sixth order on the calendar.

Page 2, line 16, replace "**Advisory board**" with "**Oil and gas research council**"

Page 2, line 17, replace "advisory board" with "oil and gas research council"

Page 2, line 22, replace "The" with "Subject to subsection 7, the", remove "appointed", and replace "advisory board" with "council"

Page 2, line 23, replace "and" with a comma and after "years" insert ", and three serve for three years"

Page 2, line 24, replace "advisory board" with "council"

Page 2, line 25, replace "advisory board" with "council"

Page 2, line 26, replace "deems" with "determines"

Page 2, line 29, replace "advisory board" with "council" and replace "council" with "commission"

Page 3, line 3, replace "advisory board" with "council"

Page 3, line 6, replace "advisory board" with "council"

Page 3, line 8, after "council" insert "or commission"

Page 3, line 14, after "council" insert "or commission"

Page 4, line 4, replace "advisory board" with "council"

Page 4, line 16, after "of" insert "the state's share of"

Page 4, line 23, after "of" insert "the state's share of the"

Page 4, line 24, after "tax" insert "revenues that are deposited into the state general fund,"

Page 4, line 26, after "of" insert "the state's share of"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2332: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS,

0 ABSENT AND NOT VOTING). SB 2332 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 15.1-24-05 of the North Dakota Century Code, relating to law enforcement reports to schools of minors' tobacco citations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-24-05 of the North Dakota Century Code is amended and reenacted as follows:

15.1-24-05. Law enforcement agencies - Duty to inform team.

1. A law enforcement agency shall notify a school principal in writing if the agency has probable cause to believe that a student enrolled in the school has violated section 5-01-08, section 12.1-31-03, chapter 19-03.1, chapter 19-03.2, chapter 19-03.4, section 39-08-01, or section 39-08-18. The law enforcement agency shall provide the notice within two weeks of an incident.
2. The principal shall forward the notice to the school's chemical abuse preassessment team or support team referenced in section ~~15.1-25-03~~ 15.1-24-03.
3. Subsection 1 does not apply if, in the opinion of the law enforcement agency, providing the notice would jeopardize the conclusion of a criminal investigation."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2333: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2333 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2352: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2352 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2373: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2373 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2375: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). SB 2375 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "forty" with "twenty"

Page 3, line 24, replace "forty" with "twenty"

Page 5, line 5, replace "\$80,000" with "\$30,000"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment changes the repayment amount available under the the proposed pharmacist loan repayment program from \$40,000 to \$20,000 payable over a four-year period and reduces the appropriation from \$80,000 to \$30,000.

REPORT OF STANDING COMMITTEE

SB 2377: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2377 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4008: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4008 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4026: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4026 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4029: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4029 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE BILLS

HB 1100: A BILL for an Act to amend and reenact sections 54-10-21, 54-11-04, and 54-27-08 of the North Dakota Century Code, relating to the duties of the state auditor.
Was read the first time and referred to the **Judiciary Committee**.

HB 1101: A BILL for an Act to amend and reenact subsections 2 and 13 of section 43-11-01, sections 43-11-04 and 43-11-06, subsection 3 of section 43-11-16, section 43-11-24, subsection 3 of section 43-11-27, and subsection 1 of section 43-11-28 of the North Dakota Century Code, relating to licensing of cosmetologists and cosmetology schools.
Was read the first time and referred to the **Industry, Business and Labor Committee**.

HB 1102: A BILL for an Act to amend and reenact subdivision d of subsection 1 of section 38-08-04, subdivision a of subsection 1 of section 38-12-02, subdivision a of subsection 1 of section 38-12.1-04, and subdivision d of subsection 1 of section 38-19-03 of the North Dakota Century Code, relating to an election to deposit cash or property in lieu of a bond for coal exploration, subsurface mineral exploration and development, and geothermal production.
Was read the first time and referred to the **Finance and Taxation Committee**.

HB 1104: A BILL for an Act to amend and reenact subsection 7 of section 6-08.1-02 of the North Dakota Century Code, relating to confidentiality of information in the Bank of North Dakota's possession.
Was read the first time and referred to the **Industry, Business and Labor Committee**.

HB 1105: A BILL for an Act to amend and reenact subsection 6 of section 57-34-01, subsection 2 of section 57-34-03, sections 57-34-04.3 and 57-34-05, and subsection 1 of section 57-34-10 of the North Dakota Century Code, relating to the definition of mobile telecommunications service, refunds to retail customers, refunds to telecommunications carriers, deposit of telecommunications carriers gross receipts tax revenues, and waiver of penalty for failure to report; and to provide a continuing appropriation.
Was read the first time and referred to the **Finance and Taxation Committee**.

HB 1106: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 10-06.1-10 and a new section to chapter 65-02 of the North Dakota Century Code, relating to valuation of certain farmland or ranchland acquired by certain nonprofit organizations and valuation of property of the workers compensation bureau; and to amend and reenact sections 57-12-09 and 57-14-07 of the North Dakota Century Code, relating to notice of increased assessment to real estate owners and taxes on escaped real property.
Was read the first time and referred to the **Finance and Taxation Committee**.

HB 1107: A BILL for an Act to amend and reenact subsection 2 of section 57-15-01.1 of the North Dakota Century Code, relating to the effect on property tax levy limitations of property exempt from property taxes by local discretion or charitable status.
Was read the first time and referred to the **Political Subdivisions Committee**.

HB 1108: A BILL for an Act to create and enact a new subsection to section 57-38-60 of the North Dakota Century Code, relating to the filing of income tax withholding returns and income tax withholding payments by payroll service providers.

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

HB 1110: A BILL for an Act to amend and reenact subsections 3 and 7 of section 12.1-32-15 of the North Dakota Century Code, relating to sex offender registration.

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

HB 1111: A BILL for an Act to amend and reenact subsection 3 of section 12-60-16.4, and subdivision g of subsection 1 and subdivision e of subsection 5 of section 19-03.1-36 of the North Dakota Century Code, relating to drug paraphernalia offense reporting and forfeiture and use of forfeited property.

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

HB 1114: A BILL for an Act to amend and reenact section 39-20-03.1 of the North Dakota Century Code, relating to the action following a test to determine the alcohol content of the blood of a resident motor vehicle operator.

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

HB 1115: A BILL for an Act to create and enact a new subsection to section 57-38-57 of the North Dakota Century Code, relating to provision of income tax return information to the United States census bureau; to amend and reenact section 52-01-03 of the North Dakota Century Code, relating to the provision of unemployment insurance data to the United States census bureau; and to declare an emergency.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

HB 1116: A BILL for an Act to amend and reenact subsection 1 of section 6-09-15 of the North Dakota Century Code, relating to authority of the Bank of North Dakota regarding trust preferred securities transactions; and to provide an expiration date.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

HB 1118: A BILL for an Act to amend and reenact section 6-09-15.5 of the North Dakota Century Code, relating to the transfer of funds between the beginning farmers loan fund and the agriculture partnership in assisting community expansion fund.

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

HB 1119: A BILL for an Act to create and enact a new chapter to title 15 of the North Dakota Century Code, relating to establishing the Indian cultural education trust; and to provide a continuing appropriation.

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

HB 1120: A BILL for an Act to amend and reenact section 39-08-01.3 of the North Dakota Century Code, relating to driving under the influence of intoxicating liquor repeat offenders and ignition interlock devices.

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

HB 1121: A BILL for an Act to amend and reenact section 23-09-02 of the North Dakota Century Code, relating to enforcement of food and lodging regulations.

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

HB 1122: A BILL for an Act to create and enact a new section to chapter 20.1-08 of the North Dakota Century Code, relating to establishing a mule deer license raffle and auction.

Was read the first time and referred to the **Natural Resources Committee**.

HB 1124: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to higher education institution room and meal fees; and to declare an emergency.

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

HB 1125: A BILL for an Act to amend and reenact subsection 1 of section 15-62.2-00.1 and sections 15-62.2-03.2 and 15-62.2-03.3 of the North Dakota Century Code, relating to the state scholars program.

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

HB 1126: A BILL for an Act to amend and reenact subsection 2 of section 15-62.2-02 of the North Dakota Century Code, relating to the maximum amount for student financial assistance program grants.

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

HB 1127: A BILL for an Act to amend and reenact subsection 2 of section 15-10-37 of the North Dakota Century Code, relating to eligibility for the technology occupations student loan program.

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

HB 1128: A BILL for an Act to amend and reenact sections 19-14-01, 19-14-02, 19-14-03, 19-14-04, 19-14-05, 19-14-06, 19-14-07, and 19-14-08 of the North Dakota Century Code, relating to the regulation of livestock medicines; and to provide a penalty.

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

HB 1129: A BILL for an Act to amend and reenact sections 4-27-06, 4-30-36, 4-30-36.2, and 4-30-36.4 of the North Dakota Century Code, relating to milk assessments and dairy regulations.

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

HB 1130: A BILL for an Act to amend and reenact section 36-24-10 of the North Dakota Century Code, relating to custom processing of meat products; and to declare an emergency.

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

HB 1132: A BILL for an Act to create and enact five new sections to chapter 49-03.1 of the North Dakota Century Code, relating to licensing of telecommunications resellers; and to amend and reenact section 49-03.1-01 of the North Dakota Century Code, relating to certificates of public convenience and necessity for telecommunications companies.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

HB 1134: A BILL for an Act to amend and reenact section 49-21-01.4 of the North Dakota Century Code, relating to unbundling of essential services in telecommunications services.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

HB 1135: A BILL for an Act to amend and reenact section 49-21-01.7 of the North Dakota Century Code, relating to powers of the public service commission relating to the regulation for the provision of telecommunication service.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

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

WILLIAM R. HORTON, Secretary