

## JOURNAL OF THE SENATE

## Fifty-second Legislative Assembly

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Bismarck, February 15, 1991

The Senate convened at 12:30 p.m., with President Omdahl presiding.

The prayer was offered by Pastor Kelly Randolph, Capitol Heights Baptist Church, Bismarck.

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

A quorum was declared by the President.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2038, SB 2046, SB 2134, SB 2182, SB 2204, SB 2301, SB 2304, SB 2391, SB 2447, SB 2490, SB 2495, SB 2495, SB 2548, SB 2560.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1306, HB 1416, HB 1447, HB 1488, HB 1489, HB 1532, HCR 3029.

## REPORTS OF STANDING COMMITTEES

SB 2415: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO NOT PASS (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2415 was placed on the Eleventh order on the calendar.

SB 2441: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2441 was placed on the Eleventh order on the calendar.

SB 2489: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2489 was placed on the Eleventh order on the calendar.

## MOTIONS

SEN. WOGSLAND MOVED that SB 2362, SB 2279, SB 2305, and SB 2341 be placed at the top of the Sixth order, which motion prevailed.

SEN. WOGSLAND MOVED that the rules be suspended and that SB 2341, SB 2430, SB 2077, SB 2066, SB 2276, SB 2335, SB 2345, SB 2379, SB 2381, SB 2433, SB 2445, and SB 2446 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SEN. WOGSLAND MOVED that SB 2362, SB 2279, and SB 2305, which are on the Sixth order, be laid over one legislative day, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SB 2341: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 501 be adopted with DO PASS.

## REQUEST

SEN. MATHERN REQUESTED that the Senate divide the amendments to SB 2341, which request was granted.

## DIVISION I

Page 1, line 2, remove "to provide an"

Page 1, line 3, remove "appropriation,"

Page 3, remove lines 1 through 5

DIVISION II

Page 1, line 10, replace "and" with a comma

Page 1, line 11, after the second bracket insert ", and whose income does not exceed two hundred percent of the federal poverty level"

Page 2, line 4, replace "exceeds" with "is between one hundred eighty-five and"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes the \$5 million general fund appropriation in Section 3 of the bill.

The question being on the adoption of Division I of the proposed amendments to SB 2341.

Division I of the proposed amendments to SB 2341 was adopted.

The question being on the adoption of Division II of the proposed amendments to SB 2341.

Division II of the proposed amendments to SB 2341 was adopted.

SECOND READING OF SENATE BILL

SB 2341: A BILL for an Act to authorize the department of human services to contract with insurers to provide health insurance coverage; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

NAYS: Meyer; Moore; Naaden; Solberg; Streibel

ABSENT AND NOT VOTING: Traynor

SB 2341 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SB 2430: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ page 472 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2430: A BILL for an Act to amend and reenact sections 12.1-04-06, 12.1-04-07, 12.1-04-08, and subsection 3 of section 25-04-05.1 of the North Dakota Century Code, relating to the temporary detention of a criminal defendant, psychiatric reports, suspension or dismissal of criminal proceedings, and transfer of developmentally disabled persons; and to repeal section 25-04-07 of the North Dakota Century Code, relating to developmentally disabled defendants.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 51 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Naaden; Traynor

SB 2430 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SB 2077: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ pages 470-471 be adopted with DO NOT PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2077: A BILL for an Act to provide for payments to political subdivisions from the board of university and school lands in lieu of property taxes for real property owned by the board of university and school lands; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 27 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Hanson, E.; Hanson, O.; Heigaard; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Marks; Mathern; Meyer; Moore; Mushik; Nething; Satrom; Schoenwald; Solberg; Tallackson; Tomac; Vosper; Wogsland; President Omdahl

NAYS: David; Evanson; Freborg; Goetz; Graba; Heinrich; Holmberg; Ingstad; Krebsbach; Lindaas; Lindgren; Lips; Maxson; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Stenehjem; Streibel; Tennefos; Thane; Yockim

ABSENT AND NOT VOTING: Traynor

SB 2077 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SB 2066: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ pages 493-494 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2066: A BILL for an Act to create and enact a new section to chapter 32-08.1 of the North Dakota Century Code, relating to the prehearing attachment of property; and to amend and reenact section 32-08.1-02, subsection 1 of section 32-08.1-03, and section 32-08.1-17 of the North Dakota Century Code, relating to the issuance of writs of attachment.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 52 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Traynor

SB 2066 passed and the title was agreed to.

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MOTIONS

SEN. WOGSLAND MOVED that SB 2275, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

SEN. MAXSON MOVED that Engrossed SB 2276 be amended as follows:

Page 2, line 27, after "than" insert "five persons who"

Renumber accordingly

SEN. MAXSON MOVED that the proposed amendments be adopted, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2276: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ pages 498-499 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2276: A BILL for an Act to create and enact a new section to chapter 40-57.1 of the North Dakota Century Code, relating to penalties for bad faith use of tax exemptions for new industries; to amend and reenact sections 40-57.1-01, 40-57.1-02, 40-57.1-03, 40-57.1-04, 40-57.1-04.1, 40-57.1-04.3, 40-57.1-06, 40-57.1-07, and 40-57.1-08 of the North Dakota Century Code, relating to property, sales, and income tax exemptions for new industries; to repeal section 40-57.1-05 of the North Dakota Century Code, relating to discretion of the state board of equalization to reconsider applications for tax exemptions for new industries; and to provide for transition.

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

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, O.; Holmberg; Ingstad; Kelly; Kinnoin; Krebsbach; Lindgren; Lips; Marks; Maxson; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Redlin; Solberg; Stenehjem; Streibel; Tennefos; Thane; Vosper

NAYS: Dotzenrod; Hanson, E.; Heigaard; Heinrich; Jerome; Keller; Kelsh; Krauter; Langley; Lindaas; Mathern; Meyer; Mushik; O'Connell; Robinson; Satrom; Schoenwald; Tallackson; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Traynor

SB 2276 passed and the title was agreed to.

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MOTION

SEN. WOGSLAND MOVED that the Senate stand in recess until 1:55 p.m., which motion prevailed.

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

CONSIDERATION OF AMENDMENTS

SB 2335: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ page 501 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2335: A BILL for an Act to create and enact a new section to chapter 27-08.1 of the North Dakota Century Code, relating to dismissal of a case without prejudice; and to amend and reenact subsection 1 of section 27-08.1-01 and section 27-08.1-03 of the North Dakota Century Code, relating to the jurisdictional limit and amount of counterclaims in small claims courts.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 50 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Heigaard; Mathern; Traynor

SB 2335 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SB 2345: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ pages 501-502 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2345: A BILL for an Act to amend and reenact sections 32-19-30, 35-22-07, subsection 2 of section 57-27-02, sections 57-28-06, 57-28-07, and 57-28-14 of the North Dakota Century Code, relating to publication of street addresses as well as legal descriptions when published notice is required or allowed for real estate foreclosures, notices of tax sale, or notices of redemption; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 50 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Heigaard; Mathern; Traynor

SB 2345 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SB 2379: SEN. KELSH (Committee on Agriculture) MOVED that the amendments on SJ page 503 be adopted with DO NOT PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2379: A BILL for an Act to create and enact a new section to chapter 54-02 of the North Dakota Century Code, designating Barnes soil as the official state soil.

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

YEAS: David; DeKrey; Goetz; Hanson, O.; Holmberg; Jerome; Kelsh; Kinnoin; Langley; Lindgren; Marks; Mutch; Naaden; Nalewaja; Nelson; Nething; Robinson; Schoenwald; Tallackson; Vosper; Wogsland

NAYS: Bowman; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Heinrich; Ingstad; Keller; Kelly; Krauter; Krebsbach; Lindaas; Lips; Maxson; Meyer; Moore; Mushik; O'Connell; Peterson; Redlin; Satrom; Solberg; Stenehjem; Streibel; Tennefos; Thane; Tomac; Yockim

ABSENT AND NOT VOTING: Heigaard; Mathern; Traynor

SB 2379 lost.

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MOTIONS

SEN. O'CONNELL MOVED that the Senate reconsider its action whereby SB 2565 failed to pass, which motion prevailed on a verification vote.

SEN. WOGSLAND MOVED that SB 2565 be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2381: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ page 503 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2381: A BILL for an Act to amend and reenact section 53-04-02 of the North Dakota Century Code, relating to license fees for amusement game operators.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 50 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Heigaard; Mathern; Traynor

SB 2381 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SB 2433: SEN. KELSH (Committee on Agriculture) MOVED that the amendments on SJ page 503 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2433: A BILL for an Act to amend and reenact subsection 3 of section 12.1-22-03 and section 20.1-01-17 of the North Dakota Century Code, relating to criminal trespass posting requirements and posting requirements to prohibit hunting.

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

YEAS: Bowman; David; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

NAYS: DeKrey; Meyer

ABSENT AND NOT VOTING: Mathern; Traynor

SB 2433 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SB 2440: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ pages 503-504 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2440: A BILL for an Act to provide for the registration of a sexual offender's address upon release from incarceration; 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 51 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David, DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac; Traynor

SB 2440 passed and the title was agreed to.

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MOTION

SEN. FREBORG MOVED that Engrossed SB 2445 be amended as follows:

Page 3, after line 27, insert:

"SECTION 5. Prohibited health services.

1. No school district may provide, fund, cooperate in or authorize the provision of the following services to children of school age:
  - a. Abortion services;
  - b. Abortion counseling services;
  - c. Abortion referral services;
  - d. Family planning services;
  - e. Pregnancy testing;
  - f. Pregnancy testing referral services;
  - g. Contraceptive counseling services;
  - h. Contraceptive referral services; or
  - i. Prescribing or dispensing abortifacients or contraceptives.
2. No school physician, school dentist, school nurse, dental hygienist, medical technician, sanitarian, teacher, or any other administrator or school employee or any other person acting in concert with or at the direction or control of the above-mentioned persons may transport or provide for the transportation of any child of school age to any clinic, agency, or facility for the purpose of obtaining abortion services, abortion counseling or referral, contraceptive services, contraceptive counseling or referral, pregnancy testing or pregnancy referral, or family planning services. Nothing in this subsection shall apply to the private practice of a physician or licensed health care professional insofar as such private practice is unrelated to any duties performed by such physician or licensed health care professional as an employee or agent of the school district.
3. Each school district shall adopt and implement rules consistent with this section."

Renumber accordingly

REQUEST

SEN. FREBORG REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2445, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2445, the roll was called and there were 18 YEAS, 34 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Freborg; Hanson, O.; Keller; Kinnoin; Marks; Mathern; Moore; Mutch; Naaden; Nelson; Nething; Solberg; Streibel; Tennesfos; Vosper

NAYS: Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Maxson; Meyer; Mushik; Nalewaja; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Thane, Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Traynor

The proposed amendments to Engrossed SB 2445 lost.

CONSIDERATION OF AMENDMENTS

SB 2445: SEN. HEINRICH (Committee on Education) MOVED that the amendments on SJ pages 504-505 be adopted with DO NOT PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2445: A BILL for an Act relating to parent and pupil protection in sex education classes.

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

YEAS: Bowman; David; DeKrey; Freborg; Hanson, O.; Keller; Kinnoin; Krauter; Lindaas; Marks; Mathern; Mutch; Naaden; Nalewaja; Nelson; Nething; Solberg; Stenehjem; Streibel; Tennefos; Vosper

NAYS: Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Kelly; Kelsh; Krebsbach; Langley; Lindgren; Lips; Maxson; Meyer; Moore; Mushik; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Tallackson; Thane; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Traynor

SB 2445 lost.

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MOTION

SEN. WOGSLAND MOVED that SB 2451 and SB 2522 be moved to the top of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2451: SEN. KELSH (Committee on Agriculture) MOVED that the amendments on SJ pages 505-506 be adopted and then be REREFERRED to the Committee on Appropriations with DO PASS, which motion prevailed.

SB 2522: SEN. HEINRICH (Committee on Education) MOVED that the amendments on SJ pages 507-508 be adopted and then be REREFERRED to the Committee on Appropriations with DO PASS, which motion prevailed.

SB 2446: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ page 505 be adopted with DO NOT PASS, which motion prevailed.

MOTIONS

SEN. MOORE MOVED that Engrossed SB 2446 be amended as follows:

Page 2, line 11, after the underscored semicolon insert "and"

Page 2, line 12. replace "; and" with an underscored period

Page 2, remove lines 13 through 15

Renumber accordingly

SEN. MOORE MOVED that the proposed amendments be adopted, which motion lost.

SECOND READING OF SENATE BILLS

SB 2446: A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to the sale of tobacco products through vending machines to persons under the age of eighteen; to amend and reenact section 12.1-31-03 and subsection 1 of section 27-08.1-01 of the North Dakota Century Code, relating to sale of tobacco products through vending machines to persons under the age of eighteen and the purchase of tobacco products by minors and to the jurisdiction of small claims courts; 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 27 YEAS, 22 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Holmberg; Ingstad; Jerome; Keller; Kelsh; Krauter; Krebsbach; Lindaas; Lindgren; Mathern; Moore; Naaden; Nelson; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Tennefos; Yockim

NAYS: Bowman; David; Dotzenrod; Heinrich; Kelly; Kinnoin; Langley; Lips; Marks; Maxson; Meyer; Mushik; Mutch; Nalewaja; Nething; O'Connell; Peterson; Solberg; Thane; Tomac; Vosper; Wogsland

ABSENT AND NOT VOTING: DeKrey; Redlin; Tallackson; Traynor

SB 2446 passed and the title was agreed to.

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SB 2087: A BILL for an Act to amend and reenact section 12.1-31-03 of the North Dakota Century Code, relating to the sale of tobacco products through vending machines; and to provide a penalty.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 30 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bowman; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Holmberg; Ingstad; Krauter; Lindaas; Lindgren; Moore; Robinson; Satrom; Streibel; Tennefos; Yockim

NAYS: David; Dotzenrod; Goetz; Heinrich; Jerome; Keller; Kelsh; Kinnoin; Krebsbach; Langley; Lips; Marks; Mathern; Maxson; Meyer; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Schoenwald; Solberg; Stenehjem; Thane; Tomac; Vosper; Wogsland

ABSENT AND NOT VOTING: DeKrey; Kelly; Redlin; Tallackson; Traynor

SB 2087 lost.

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## MOTIONS

SEN. MOORE MOVED that the vote by which SB 2446 passed be reconsidered and the motion to reconsider be laid on the table, which motion lost on a verification vote.

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

SEN. WOGSLAND MOVED that pursuant to Senate Rule 506, the time that bills can be in Committee be extended from the "30th legislative day" to the "32nd legislative day", which motion prevailed.

SEN. WOGSLAND MOVED that pursuant to Senate Rule 330, subsection 2, the final date for rereferrals to Committee on Appropriations be amended to read "32nd legislative day" instead of "30th legislative day", which motion prevailed.

SEN. WOGSLAND MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the Senate stand adjourned until 1:00 p.m., Monday, February 18, 1991, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

SB 2005: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2005 was placed on the Eleventh order on the calendar.

SB 2007: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

Page 1, line 3, after "fund" insert "; and to provide legislative intent"

Page 1, line 13, replace "1,974,625" with "1,707,621"

Page 1, line 21, replace "4,517,000" with "4,607,372"

Page 2, line 1, replace "3,986,705" with "4,163,337"

Page 2, line 5, replace "1,305,000" with "1,385,063"

Page 2, after line 10, insert:

"SECTION 3. LEGISLATIVE INTENT - NATIONAL GUARD ARMORIES. It is the intent of the legislative assembly that the Bottineau and Hillsboro armories receive rent from the adjutant general for the 1991-93 biennium; however, the adjutant general may choose not to use the armories. The moneys are to come from the increase in rent expenses for other armories recommended in the executive budget."

Renumber accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

## DEPARTMENT 540 - ADJUTANT GENERAL

This amendment provides that the increase in rent expense provided to the other occupied armories for the 1991-93 biennium be used in part to pay rent for the Bottineau and Hillsboro armories for the 1991-93 biennium. Although the rent is to be paid, the Adjutant General may decide not to use the armories.

This amendment also transfers \$267,004 from the salaries and wages line item to the Army Guard contract line item in the amount of \$90,372 and the Air Guard contract line item in the amount of \$176,632 for the executive budget compensation package funding related to FTE positions included on the Air Guard and Army Guard contract line items. This amendment reflects the salary changes in the correct categories.

In addition, Section 2 of the bill is amended to provide \$80,063 from the National Guard tuition trust fund rather than federal funds to fund salaries and wages at the recommended level in the executive budget.

SB 2054: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2054 was placed on the Eleventh order on the calendar.

SB 2065: Committee on Judiciary (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 7, remove "53-06.1-15.2, 53-06.1-15.3."

Page 1, line 8, remove "subsection 5 of section 53-06.2-01, section"

Page 1, line 9, remove "53-06.2-11,"

Page 12, line 28, remove the overstrike over "~~attorney general~~" and insert immediately thereafter "or the"

Page 13, line 5, remove the overstrike over "~~attorney general~~" and insert immediately thereafter "or the"

Page 14, line 7, replace "commission" with "attorney general"

Page 14, line 8, overstrike "its" and insert immediately thereafter "the attorney general's"

Page 19, line 1, replace "commission" with "attorney general"

Page 19, line 24, replace "commission" with "attorney general"

Page 20, line 3, remove the overstrike over "~~attorney general's~~" and remove "commission's"

Page 20, line 18, replace "commission" with "attorney general"

Page 20, line 23, replace "commission" with "attorney general" and overstrike "its" and insert immediately thereafter "the attorney general's"

Page 23, line 3, remove the overstrike over "~~attorney general~~" and insert immediately thereafter "and the"

Page 23, line 4, remove the overstrike over "~~attorney general~~" and insert immediately thereafter "or the" and replace "its" with "their"

Page 24, remove lines 4 through 29

Page 25, remove lines 1 through 28

Page 26, remove lines 1 and 2

Page 27, remove lines 14 through 29

Page 28, remove lines 1 through 28

Page 29, remove lines 1 and 2

Renumber accordingly

SB 2188: Committee on Natural Resources (Sen. Meyer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 4, replace the first "permit" with "fee", remove "and permit charge", and replace "material" with "chemicals"

Page 1, line 7, replace "material" with "chemicals"

Page 1, line 20, replace "materials" with "chemicals"

Page 2, line 16, after "management" insert "as required by SARA title III"

Page 2, line 20, replace "materials" with "chemicals"

Page 2, line 22, replace "material" with "chemicals"

Page 2, line 24, replace "material permits" with "chemical fee system"

Page 2, line 28, replace "material" with "chemicals"

- Page 3, line 1, replace "material" with "chemicals"
- Page 3, line 4, replace "material" with "chemicals"
- Page 3, line 5, replace "material" with "chemicals"
- Page 3, line 6, replace "material permit" with "chemicals fee"
- Page 3, line 8, replace "material" with "chemicals"
- Page 3, line 10, replace "permit and permit charge" with "fee system"
- Page 3, line 11, replace "obtain a" with "pay an annual"
- Page 3, line 12, replace "materials permit from" with "chemicals fee to"
- Page 3, line 13, replace "charge for the" with "fee"
- Page 3, line 14, remove "permit"
- Page 3, line 15, replace "29 CFR 1910.1200 (C)" with "40 CFR 355.20"
- Page 3, line 18, after the period insert "The federal requirements must be used for completing the tier II form, including the threshold amounts, as outlined in 40 CFR Section 370.20." and replace "permit" with "fee"
- Page 3, line 19, remove "charge"
- Page 3, line 21, replace "material" with "chemicals"
- Page 3, line 23, replace "material permit" with "chemicals fee"
- Page 3, line 27, replace "obtaining a permit" with "the fee"
- Page 4, line 5, replace "material" with "chemicals"
- Page 4, line 7, replace "material" with "chemicals"
- Page 4, line 8, remove "For the purpose of the permit charges in this"
- Page 4, line 9, replace "section, the term "hazardous" with ""Hazardous" and replace "means chemicals on" with "as defined in 40 CFR 355.20 and 29 CFR 1910.1200."
- Page 4, remove lines 10 through 15
- Page 4, line 16, replace "permits" with "fee system", replace the first "permit" with "fee", and remove "and permit charges"
- Page 4, line 17, replace "terminate" with "terminates"
- Page 4, line 20, replace "permit systems" with "fee system" and replace "material permit" with "chemicals fee"
- Page 4, line 21, replace "and permit charges do" with "does" and replace the second "permit" with "fee"
- Page 4, line 22, remove "and permit charge" and replace "materials" with "chemicals"
- Page 4, line 24, after "release" insert ", as defined in 40 CFR 355.20,"
- Page 4, line 25, replace "material" with "chemical in excess of the reportable quantity of that chemical, as defined in 40 CFR 355.20,"
- Page 4, line 26, replace "material" with "chemical"

Page 4, line 27, replace "material" with "chemical"

Page 5, line 4, replace "material" with "chemical"

Page 5, line 5, replace "material" with "chemical"

Page 5, line 8, after "recover" insert "reasonable and necessary"

Page 5, line 12, replace "The amount attributable to" with "Reasonable and necessary costs are those additional costs incurred that are a result of the responsible party's failure or inability to implement or initiate the necessary actions to protect life, property, and the environment."

Page 5, remove lines 13 through 18

Page 5, line 24, replace "1101" with "11001" and replace "obtain" with "pay"

Page 5, line 25, replace "materials permit" with "chemicals fee"

Page 6, line 3, after "who" insert "knowingly falsifies information or who"

Page 6, line 6, replace "material" with "chemicals"

Re-number accordingly

SB 2211: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

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

Page 3, line 24, remove the overstrike over "~~All benefits available in this~~"

Page 3, line 25, remove the overstrike over "~~section terminate~~", after "upon" insert "at the end of the taxable year of the", and remove the overstrike over "~~death of the applicant~~."

Page 9, after line 9, insert:

"SECTION 6. APPROPRIATION. There is hereby appropriated out of any moneys in the game and fish fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much thereof as may be necessary, for the purpose of making wetlands tax exemption payments pursuant to sections 57-02-08.4, 57-02-08.5, and 57-02-08.6, for the biennium beginning July 1, 1991, and ending June 30, 1993."

Re-number accordingly

SB 2231: Committee on Natural Resources (Sen. Meyer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment 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 relating to protection of ground water resources, use of chemicals, coordination of educational programs and safe disposal of wastes, and water monitoring authority where contamination may exist; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Degradation prevention program - Maintenance of waters. This Act establishes a degradation prevention program for the

purpose of protecting ground water resources, encouraging the wise use of agricultural chemicals, providing for ground water protection, providing for public education regarding preservation of ground water resources, and providing for safe disposal of wastes in a manner that will not endanger the state's ground water resource. Waters of the state must be maintained within standards established under this Act unless it can be affirmatively demonstrated that a change in quality is justifiable to provide necessary economic or social development and will not adversely affect the beneficial uses of water.

**SECTION 2. Administration of Act.** The state department of health and consolidated laboratories shall administer this Act. For purposes of this Act, "commissioner" means the commissioner of agriculture and "department" means the state department of health and consolidated laboratories. Notwithstanding section 4-35-06, the commissioner of agriculture shall administer chapter 4-35 as it relates to pesticide usage.

**SECTION 3. Education program.** The department, the commissioner, and the North Dakota state university extension service and North Dakota agricultural experiment station shall cooperate with other state and federal agencies on the development of a ground water protection education program.

**SECTION 4. Chemical use data and confidentiality requirement.** The department may require chemical use data from product registrants on products that have been or may likely be found in ground water in order to conduct its ground water protection program. This information must include chemical registration data and sales information. The department shall keep this information confidential.

**SECTION 5. Ground water standards.** The department shall establish health-based generic standards for compounds in ground water as set forth by other states and the United States environmental protection agency unless new scientifically confirmed data provides justification for changing these standards.

**SECTION 6. Ground water quality monitoring.** The department shall conduct ground water quality monitoring activities in cooperation with the state engineer and other state agencies. Based on monitoring results, the commissioner may implement or require appropriate mitigation activities or remedial action to prevent future contamination of ground water as it relates to the use of pesticides. The department may do the same as it relates to other potential ground water pollutants.

**SECTION 7. Notification requirement.** Any person with verifiable information on the presence of contamination of ground water within the state shall notify the department regarding such contamination.

**SECTION 8. Access for ground water monitoring.** The department may request landowners or operators to allow access for monitoring of ground water and of soils at a depth where pesticides may threaten ground water. If the department is denied access by the landowner or operator, the department may apply to any court of competent jurisdiction for authorization to obtain access. The court, upon such application and upon compliance with chapter 29-29.1, may issue the authorization for the purposes requested. After consultation with the landowner or operator, the department shall conduct the monitoring in a manner that causes the least possible economic impact or hindrance to the landowner's or operator's operations. The names and addresses of landowners and operators who participate in a ground water monitoring program may not be linked, in any public disclosure, to the findings of the program unless it is determined by rule that a compelling public interest justifies such disclosure. Without such a determination, disclosure of the information is a violation of section 12.1-13-01.

SECTION 9. Siting criteria. The commissioner, in cooperation with the department, North Dakota state university extension service, and the North Dakota agricultural experiment station, shall develop site and pollution prevention criteria for areas utilized for the mixing and storing of agricultural chemicals. The department in cooperation with the state engineer and state geologist shall develop criteria for siting of waste disposal facilities based on potential impact on ground water resources.

SECTION 10. Wellhead protection program. The department in cooperation with the state engineer and state geologist shall assist in implementing a public water supply wellhead protection program for protection of ground water resources utilizing existing state and local statutory authority.

SECTION 11. Rules. The department, with the approval of the commissioner, shall adopt rules necessary for implementation of this Act.

SECTION 12. Producer liability. Liability may not be imposed upon an agricultural producer for costs of active cleanup, or for any damage associated with or resulting from the detection in ground water, of a pesticide if the applicator has complied with label instructions and other precautions for application of the pesticide and the applicator has a valid appropriate applicator's certification. Compliance with these requirements may be raised as an affirmative defense by an agricultural producer.

SECTION 13. APPROPRIATION. There is hereby appropriated out of any moneys in the environment and rangeland protection fund the sum of \$300,000, or so much thereof as may be necessary, to the state department of health and consolidated laboratories, and \$25,000, or so much thereof as may be necessary, to the commissioner of agriculture, for the purposes of this Act for the biennium beginning July 1, 1991, and ending June 30, 1993."

ReNUMBER accordingly

SB 2282, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 3, after line 26, insert:

"SECTION 5. Expenditure of funds. The council or its designated agent shall approve every expenditure of funds made pursuant to this Act and submit the approved expenditure upon an itemized voucher to the office of management and budget for approval."

Page 4, line 26, replace "cent per" with "percent of the value of a"

ReNUMBER accordingly

SB 2284: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, after "Grafton" insert "; and to provide an appropriation"

Page 1, after line 20, insert:

"SECTION 2. PROCEEDS - APPROPRIATION. The proceeds from the sale of land at the state developmental center at Grafton must be deposited in the operating account of the department of human services and must be used for capital improvements or demolition of existing buildings at

the state developmental center at Grafton. There is hereby appropriated \$200,000, or so much thereof as may be necessary, from income relating to the sale of land, to the department of human services for those purposes for the biennium beginning July 1, 1991, and ending June 30, 1993."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

This amendment provides that the proceeds from the sale of land at the State Developmental Center at Grafton be used for capital improvements or demolition of existing buildings at the center and appropriates \$200,000 from the proceeds for those purposes.

SB 2336: Committee on Education (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 12, after the first comma insert "education,"

Renumber accordingly

SB 2354: Committee on State and Federal Government (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike ", with the consent of"

Page 1, line 10, overstrike "the senate" and after "be" insert "appointed from a list of four nominees, one of whom is nominated by the state chapter or affiliate of the American quarter horse association, one of whom is nominated by the state chapter or affiliate of the United States trotting association, one of whom is nominated by the state chapter or affiliate of the international Arabian horse association, and one of whom is nominated by the state chapter or affiliate of the North Dakota thoroughbred association."

Page 1, remove lines 11 through 17

Renumber accordingly

SB 2371: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO NOT PASS (5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2371 was placed on the Eleventh order on the calendar.

SB 2457: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, replace "for" with "of"

Page 1, line 4, after "a" insert "carecheck registry and a"

Page 1, line 5, remove "50-11.1-04, 50-11.1-06, and"

Page 3, remove lines 8 through 28

Page 4, remove lines 1 through 29

Page 5, remove lines 1 through 3

- Page 6, line 20, replace "Child" with "Carecheck registry - Child" and replace "An applicant" with "placement in the carecheck registry is voluntary. To apply for placement in the carecheck registry, an in-home provider, a family child care home exempt from licensure, or a licensed early childhood services provider"
- Page 6, remove line 21
- Page 6, line 22, replace "the applicant's" with "that person's own"
- Page 6, line 23, after "shall" insert "request the agency to"
- Page 6, line 24, after the second "the" insert "division of children and family services of the department or to any other division as determined appropriate by the"
- Page 6, line 25, replace "The department" with "If the division has no record of a determination of probable cause for child abuse or neglect, the division"
- Page 6, line 28, replace "which would require a determination by" with "for carecheck"
- Page 6, line 29, remove "the department under section 50-11.1-06.1" and replace "department is not subject to" with "results of the investigations must be forwarded to the division of Children and family services of the department or to any other division as determined appropriate by the department."
- Page 7, remove lines 1 through 4
- Page 7, line 5, remove "been filed pursuant to section 50-25.1-05.2." and after "applicant" insert "for placement in the carecheck registry"
- Page 7, line 6, replace "may receive a license or registration" with "must be placed in the carecheck registry"
- Page 7, line 7, remove "certificate", replace "or" with "is found and no", and after "report" insert "of a determination of probable cause for child abuse or neglect"
- Page 7, line 9, remove "from being licensed or registered under this chapter" and replace "In addition to" with "The division"
- Page 7, line 10, remove "any fee imposed for licensure or registration, the department"
- Page 7, line 11, remove "defraying the"
- Page 7, remove line 12
- Page 7, line 13, replace "of investigation" with "processing the application", after the period insert "The division is not subject to the fee imposed under section 12-60-16.9 when requesting criminal history record information from the bureau of criminal investigation.", and replace "department" with "division"
- Page 7, line 16, replace "been" with "met the requirements for placement in the carecheck registry"
- Page 7, line 17, remove "issued a license or registration certificate under this chapter"
- Page 7, line 18, replace "department" with "division"
- Page 7, line 19, after "the" insert "carecheck"

Page 8, line 14, after "make" insert "a" and after "report" insert "of a determination of probable cause for child abuse or neglect"

Page 8, line 17, after "such" insert "a"

Page 8, line 20, after "make" insert "a" and after "report" insert "of a determination of probable cause for child abuse or neglect"

Page 8, line 23, after "report" insert "of a determination of probable cause for child abuse or neglect"

Page 8, line 27, after "The" insert "division of children and family services or other division as determined appropriate by the"

Page 8, line 28, after "reports" insert "of determinations of probable cause for child abuse or neglect"

Page 9, line 1, replace "Sections 2, 3, and" with "Section" and replace "become" with "becomes"

Renumber accordingly

SB 2459: Committee on State and Federal Government (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and be REREFERRED to the Committee on Appropriations (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to provide an appropriation"

Page 1, remove lines 18 through 21

Page 2, remove lines 1 and 2

Renumber accordingly

SB 2487: Committee on State and Federal Government (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

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

Page 3, after line 6, insert:

"SECTION 5. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$350,719, or so much thereof as may be necessary, to the North Dakota supreme court for the purpose of funding participation of county court judges in the public employees retirement system and the uniform group insurance program."

Renumber accordingly

SB 2525: Committee on Natural Resources (Sen. Meyer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, after "of" insert "state and"

Page 1, line 3, after "lands" insert "and ownership and management of lands by not-for-profit entities"

Page 1, line 10, after "federal" insert ", state, and not-for-profit entity"

Page 1, line 21, remove "and"

Page 2, line 2, after "union" insert "; and the president, or a member selected by the president, of the North Dakota landowner's association"

Page 2, line 7, remove "United States, this" and remove the comma after "state"

Page 2, line 8, after the second "any" insert "ownership"

Page 2, line 9, remove ", and the governor may not approve the acquisition of any"

Page 2, line 10, remove "interest in land with moneys from the migratory bird conservation fund"

Re-number accordingly

SB 2528: Committee on Agriculture (Sen. Kelsh, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REFERRED to the Committee on Appropriations (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 13, remove the overstrike over "~~that win races in the state~~" and insert immediately thereafter "as approved by the commission"

Page 1, line 15, remove the overstrike over "~~offered at racetracks~~"

Page 1, line 16, remove the overstrike over "~~within the state~~"

Page 3, line 14, remove ", and sports events held outside of the state upon which pari-mutuel"

Page 3, line 15, remove "wagering can be conducted, as approved by the commission"

Page 3, line 18, remove "and one or more other"

Page 3, line 19, remove "jurisdictions conducting sports events wagering"

Page 4, line 15, remove "and one-half"

Page 4, line 17, remove "and one-quarter"

Page 4, line 24, remove "One-quarter of one percent must be paid to"

Page 4, remove lines 25 through 28

Page 4, line 29, remove "Dakota horse racing industry funds."

Page 5, line 13, remove "One-quarter of one"

Page 5, remove lines 14 through 17

Page 5, line 18, remove "and North Dakota horse racing industry funds."

Page 5, line 19, replace "two and three-quarters" with "three"

Page 5, line 21, remove "For each day of simulcast sports event wagering in this state on"

Page 5, remove lines 22 through 29

Page 6, remove lines 1 through 20

Page 6, line 21, remove "5." and after "each" insert "live"

Page 6, line 23, replace "may" with "must" and replace "license conducting the live" with "commission as a fund to assist in improving and upgrading racetracks in the state and the promotion and education of horse racing within the state and in developing new racetracks in the state as necessary and approved by the commission. Unclaimed tickets and breakage from the simulcast program, as defined by the commission, must be retained by the simulcast service provider as a fund for promotion and education of horse racing in the state and the building and improvement of tracks within the state as approved by the commission"

Page 6, remove lines 24 through 26

Page 6, line 27, remove "system"

Page 6, line 28, remove the overstrike over "~~4~~" and remove "6."

Page 7, line 3, remove the overstrike over "~~5~~" and remove "7."

Page 7, replace lines 10 through 17 with:

"6. The racing commission shall deposit the moneys received pursuant to subsections 1, 2, and 3 in three special funds in the state treasury. These funds must be known as the breeders' fund, the purse fund, and the racing promotion fund. Moneys, and any earnings on the moneys, in the breeders' purse, and racing promotion funds are appropriated to the commission on a continuing basis to carry out the purposes of those funds under this chapter and must be administered and disbursed in accordance with rules adopted by the commission."

Re-number accordingly

SB 2539: Committee on Transportation (Sen. Schoenwald, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 8, after "may" insert "appear before the court and"

Page 1, line 10, remove "adjudication of the offense and"

Page 1, line 18, replace "sixty" with "thirty"

Re-number accordingly

SB 2566: Committee on Education (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment 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 subsection to section 15-51-11 of the North Dakota Century Code, relating to power of the city of Fargo board of education to levy taxes.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 15-51-11 of the North Dakota Century Code is created and enacted as follows:

The question of authorizing or discontinuing the unlimited taxing authority of the school district must be submitted to the qualified electors at the next regular election upon resolution of the school board or upon filing with the school board of a petition containing signatures of qualified

electors of the district equal in number to twenty percent of the number of persons enumerated in the school census for the district for the most recent year the census was taken. However, the approval of discontinuing the unlimited taxing authority does not affect the tax levy in the calendar year in which the election is held. In addition, the minimum levy may not be less than the levy that was in force at the time of the election. The district may increase its levy in accordance with chapter 57-15-01. If the district experiences growing enrollment, the district may increase the levy by an amount equal to the amount levied the preceding year per pupil times the number of additional pupils enrolled during the new year."

Renumber accordingly

SCR 4028: Committee on Education (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, remove lines 10 through 14

Renumber accordingly

SCR 4038: Committee on Natural Resources (Sen. Meyer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 10, remove "persons"

Page 2, remove lines 11 and 12

Page 2, line 13, remove "Association, and any other"

Renumber accordingly

HB 1171: Committee on Transportation (Sen. Schoenwald, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1171 was placed on the Fourteenth order on the calendar

FIRST READING OF HOUSE BILLS

HB 1306: A BILL for an Act to provide for the establishment of multitownship boards of officers for the consolidation of up to and including five township boards.

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

HB 1416: A BILL for an Act providing an appropriation to North Dakota state university to provide funds for a study to determine the economic benefits to North Dakota from public lands.

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

HB 1447: A BILL for an Act to amend and reenact section 36-09-23 of the North Dakota Century Code, relating to the penalty for removal of livestock from the state.

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

HB 1488: A BILL for an Act to amend and reenact subsection 1 of section 11-15-08 and section 11-15-09 of the North Dakota Century Code, relating to commissions collected by the sheriff.

Was read the first time and referred to the Committee on Political Subdivisions

HB 1489: A BILL for an Act to amend and reenact section 28-21-12 of the North Dakota Century Code, relating to service of the sheriff's notice of levy.

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

HB 1532: A BILL for an Act to provide for a state employees compensation commission.

Was read the first time and referred to the Committee on State and Federal Government.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3029: A concurrent resolution urging the President and the Congress of the United States to develop expeditiously a sound and comprehensive national energy policy utilizing renewable agricultural commodities, such as ethanol, in the production of energy and lubrication products.

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

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

MARION HOUN, Secretary