

JOURNAL OF THE SENATE

Fifty-second Legislative Assembly

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Bismarck, February 19, 1991
The Senate convened at 1:00 p.m., with President Omdahl presiding.

The prayer was offered by Pastor Earl Thornton, Evangel Temple, Bismarck.

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

A quorum was declared by the President.

COMMUNICATION FROM GOVERNOR GEORGE A. SINNER

February 19, 1991

This is to inform you that on February 19, 1991, I signed SB 2164.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2066, SB 2276, SB 2335, SB 2341, SB 2345, SB 2381, SB 2430, SB 2433, SB 2440, SB 2446.

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 1015, HB 1138, HB 1166, HB 1215, HB 1218, HB 1276, HB 1336, HB 1343, HB 1479, HB 1507, HB 1508, HB 1526, HB 1553, HB 1556, HCR 3038.

CORRECTION and REVISION of the JOURNAL (Sen. Robinson, Chairman)

MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully reexamined the Journal of the Twenty-eighth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 473, line 28, replace "The proposed amendment" with "SCR 4019"

SEN. ROBINSON MOVED that the report be adopted, which motion prevailed.

REQUEST

SEN. WOGSLAND REQUESTED that the records show that the members of the Committee on Appropriations (Sens. Tallackson, Mushik, Redlin, Satrom, Yockim, Robinson, Kelly, Lindaas, Lips, Thane, Naaden, Nething, Ingstad, and Goetz) are excused from voting on SB 2415, SB 2485, SB 2505, SB 2507, SB 2508, SB 2520, SCR 4025, SB 2422, SB 2434, SB 2514, SB 2078, SB 2094, SB 2148, SB 2200, SB 2205, SB 2403, SB 2424, SB 2435, and SB 2458, as they are in a committee meeting, which request was granted.

MOTION

SEN. WOGSLAND MOVED that SB 2005, SB 2054, and SB 2371 be moved to the bottom of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2415: A BILL for an Act to provide for a review of takings of private property by governmental entities.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 27 NAYS, 14 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Hanson, O.; Kinnoin; Krauter; Langley; Meyer; Solberg; Tomac; Traynor

NAYS: Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Krebsbach; Marks; Mathern; Maxson;

Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Stenehjelm; Streibel; Tennefos; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

ABSENT AND NOT VOTING: David; Lindgren

SB 2415 lost.

MOTIONS

SEN. WOGSLAND MOVED that SB 2421 be moved to the bottom of the calendar, which motion prevailed.

SEN. STENEHJEM MOVED that SB 2441 be moved to the bottom of the calendar, which motion prevailed.

SEN. WOGSLAND MOVED that SB 2453 be moved to the bottom of the calendar, which motion prevailed.

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 1593.

SECOND READING OF SENATE BILL

SB 2485: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to medical assistance coverage for services provided by psychologists; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 23 YEAS, 15 NAYS, 14 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Hanson, O.; Holmberg; Jerome; Krebsbach; Marks; Mathern; Maxson; Moore; Mutch; Nalewaja; Nelson; Peterson; Solberg; Stenehjelm; Streibel; Tennefos; Traynor; Vosper

NAYS: Dotzenrod; Graba; Hanson, E.; Heigaard; Heinrich; Keller; Kelsh; Kinnoin; Krauter; Langley; Meyer; O'Connell; Schoenwald; Tomac; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

ABSENT AND NOT VOTING: Lindgren

SB 2485 lost for want of a Constitutional majority.

MOTION

SEN. WOGSLAND MOVED that SB 2488, SB 2489, and SB 2497 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2505: A BILL for an Act to amend and reenact section 1 of chapter 367 of the 1963 Session Laws of North Dakota, relating to the deed to property formerly owned by the state at Bathgate, North Dakota; and to provide for issuance of a new deed for the property.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 38 YEAS, 0 NAYS, 14 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjelm; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

ABSENT AND NOT VOTING: Lindgren

SB 2505 passed and the title was agreed to.

SB 2507: A BILL for an Act to amend and reenact subsection 2 of section 54-52.1-03.3 of the North Dakota Century Code, relating to calculation of the allowable monthly credit toward hospital and medical benefits coverage under the retiree health benefits fund.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 38 YEAS, 0 NAYS, 14 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjelm; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

ABSENT AND NOT VOTING: Lindgren

SB 2507 passed and the title was agreed to.

SB 2508: A BILL for an Act to amend and reenact subdivision c of subsection 2 of section 16.1-11-11 and section 40-21-07 of the North Dakota Century Code, relating to signature requirements for nomination petitions.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 38 YEAS, 0 NAYS, 14 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjelm; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

ABSENT AND NOT VOTING: Lindgren

SB 2508 passed and the title was agreed to.

SB 2520: A BILL for an Act to amend and reenact section 4-28-03 of the North Dakota Century Code, relating to voting entitlement for the North Dakota wheat commission.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 38 YEAS, 0 NAYS, 14 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjerm; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

ABSENT AND NOT VOTING: Lindgren

SB 2520 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that SB 2533 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2570: A BILL for an Act to create and enact a new section to chapter 44-05 of the North Dakota Century Code, relating to oaths of office; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 38 YEAS, 0 NAYS, 14 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjerm; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

ABSENT AND NOT VOTING: Lindgren

SB 2570 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4025: A concurrent resolution urging the Congress of the United States and the United States Army Corps of Engineers to assume responsibility for Missouri River bank erosion downstream from all Pick-Sloan plan dams, including the Garrison Dam to Oahe Reservoir reach in North

Dakota, and to begin an annual program of appropriating funds for the maintenance and construction of bank protection projects.

ROLL CALL

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS.

SCR 4025 was declared adopted.

MOTIONS

SEN. HEIGAARD MOVED that SB 2099 be moved to the bottom of the calendar, which motion prevailed.

SEN. DOTZENROD MOVED that SB 2337 be returned to the Senate floor from the Committee on Finance and Taxation for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. DOTZENROD REQUESTED the unanimous consent of the Senate to withdraw SB 2337. There being no objection, it was so ordered by the President.

SECOND READING OF SENATE BILLS

SB 2422: A BILL for an Act to amend and reenact subsection 1 of section 57-40.6-02 of the North Dakota Century Code, relating to the excise tax that counties or cities may impose on telephone access lines.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 24 YEAS, 14 NAYS, 14 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Dotzenrod; Evanson; Graba; Heigaard; Heinrich; Holmberg; Keller; Kelsh; Kinnoin; Langley; Mathern; Meyer; Nalewaja; Nelson; Peterson; Schoenwald; Stenehjem; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

NAYS: David; DeKrey; Freborg; Hanson, E.; Hanson, O.; Jerome; Krauter; Krebsbach; Marks; Maxson; Moore; Mutch; O'Connell; Solberg

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

ABSENT AND NOT VOTING: Lindgren

SB 2422 lost for want of a Constitutional majority.

SB 2434: A BILL for an Act to amend subsection 5 of section 11-16-05 of the North Dakota Century Code, relating to restrictions on the powers of state's attorney.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 38 YEAS, 0 NAYS, 14 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

ABSENT AND NOT VOTING: Lindgren

SB 2434 passed and the title was agreed to.

SB 2514: A BILL for an Act to require the equity development corporation to administer programs of economic development assistance for rural areas of the state; to provide an appropriation; and to provide a contingent effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEA, 37 NAYS, 14 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Tomac

NAYS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

ABSENT AND NOT VOTING: Lindgren

SB 2514 lost.

MOTION

SEN. WOGSLAND MOVED that SB 2078 be at the start of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2078: SEN. KELLER (Committee on State and Federal Government) MOVED that the amendments on SJ page 555 be adopted with DO PASS, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that the rules be suspended and that SB 2078, SB 2094, SB 2148, SB 2200, SB 2205, SB 2403, SB 2424, SB 2435, SB 2458, SB 2282, SB 2457, SCR 4028, SCR 4038, SB 2033, SB 2058, SB 2272, SB 2294, SB 2358, SB 2436, SB 2493, SB 2499, SB 2506, SB 2519, SB 2543, SB 2549, and SB 2556 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2078: A BILL for an Act to amend and reenact section 1 of chapter 667 of the 1989 Session Laws of North Dakota, section 21-10-01 of the North Dakota Century Code as amended by section 4 of chapter 667 of the 1989 Session Laws of North Dakota, section 21-10-02.1 of the North Dakota Century Code as amended by section 6 of chapter 667 of the 1989 Session Laws of North Dakota, and section 54-52-04 of the North Dakota Century Code as amended by section 11 of chapter 667 of the 1989 Session Laws of North Dakota, relating to the establishment of the North Dakota state retirement and investment office; and to repeal section 15 of chapter 667 of the 1989 Session Laws of North Dakota, relating to the elimination of an expiration 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 37 YEAS, 0 NAYS, 14 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Stenehjem; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

ABSENT AND NOT VOTING: Lindgren; Solberg

SB 2078 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2094: SEN. KELLER (Committee on State and Federal Government) MOVED that the amendments on SJ page 556 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2094: A BILL for an Act to create and enact a new subsection to section 54-52-04 of the North Dakota Century Code, relating to the powers and duties of the public employees retirement board to purchase annuities for employees of development foundations associated with public institutions of higher education who become ineligible to continue in the public employees retirement system.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 0 NAYS, 14 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

ABSENT AND NOT VOTING: Lindgren

SB 2094 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2148: SEN. KELSH (Committee on Agriculture) MOVED that the amendments on SJ page 556 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2148: A BILL for an Act to amend and reenact section 36-05-09 of the North Dakota Century Code, relating to records kept by the operator of a livestock auction market.

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

YEAS: Freborg; Graba; Hanson, E.; Heigaard; Heinrich; Jerome; Keller; Kelsh; Kinnoin; Langley; Mathern; O'Connell; Schoenwald; Stenehjem; Vosper; Wogsland

NAYS: Bowman; David; DeKrey; Dotzenrod; Evanson; Hanson, O.; Holmberg; Krauter; Krebsbach; Marks; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; Peterson; Solberg; Streibel; Tennefos; Tomac; Traynor

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

ABSENT AND NOT VOTING: Lindgren

SB 2148 lost.

CONSIDERATION OF AMENDMENTS

SB 2200: SEN. KELLER (Committee on State and Federal Government) MOVED that the amendments on SJ page 556 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2200: A BILL for an Act to create and enact two new sections to chapter 54-52.3 of the North Dakota Century Code, relating to confidentiality of information concerning a public employee's participation in the pretax benefits program and deposit of moneys collected under the pretax benefits program; to amend and reenact section 54-52.3-03 of the North Dakota Century Code, relating to the defrayal of expenses associated with the pretax benefits program; 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 36 YEAS, 0 NAYS, 14 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Marks; Mathern; Maxson; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Tomac; Traynor; Vosper

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

ABSENT AND NOT VOTING: Lindgren; Meyer; Wogsland

SB 2200 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2205: SEN. KELLER (Committee on State and Federal Government) MOVED that the amendments on SJ pages 556-558 be adopted with DO PASS, which motion prevailed.

MOTION

SEN. KELLER MOVED that the amendments to SB 2205 be amended as follows:

PROPOSED FLOOR AMENDMENTS TO SENATE BILL NO. 2205

Page 557 of the Senate Journal, line 5, after the second comma insert "overstrike "chairman" and insert immediately thereafter "chairperson" and"

Page 557 of the Senate Journal, after line 22, insert:

"Page 7, line 16, overstrike "their"

Page 7, line 17, overstrike "designees" and after "~~shall~~" insert "the vice chairperson"

Page 7, line 18, remove "quarterly"

Page 557 of the Senate Journal, line 28, replace "through 9" with "and 7"

Page 557 of the Senate Journal, after line 28, insert:

"Page 8, line 8, remove the overstrike over "especially the", immediately after "~~four~~" insert "five", and remove the overstrike over "tribal councils, as they seek to develop their own goals,"

Page 8, remove the overstrike over line 9"

Renumber accordingly

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

SECOND READING OF SENATE BILL

SB 2205: A BILL for an Act to amend and reenact sections 15-63-01, 54-36-01, 54-36-02, 54-36-03, and 54-36-05 of the North Dakota Century Code, relating to the state board for Indian scholarships and the Indian affairs commission.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 36 YEAS, 2 NAYS, 14 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David, DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krebsbach; Langley; Marks; Mathern; Maxson; Meyer; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjem; Streibel; Tennesfos; Tomac; Traynor; Vosper; Wogsland

NAYS: Krauter; Moore

EXCUSED: Goetz; Ingstad; Keily; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

ABSENT AND NOT VOTING: Lindgren

SB 2205 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that SB 2272, SB 2294, SB 2358, and SB 2376 be moved to the bottom of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2403: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ pages 563-564 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2403: A BILL for an Act to amend and reenact sections 16.1-04-02, 16.1-13-27, and 48-02-19 of the North Dakota Century Code, relating to physically disabled accessibility requirements for public buildings and facilities and voting places.

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, 10 NAYS, 14 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Marks; Mathern; Maxson; Mutch; Nalewaja; O'Connell; Peterson; Schoenwald; Stenehjem; Tennefos; Tomac; Vosper; Wogsland

NAYS: Bowman; David; DeKrey; Hanson, O.; Meyer; Moore; Nelson; Solberg; Streibel; Traynor

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

ABSENT AND NOT VOTING: Jerome; Lindgren

SB 2403 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2424: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ pages 564-565 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2424: A BILL for an Act to create and enact a new section to chapter 16.1-01 of the North Dakota Century Code, relating to voter lists.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 0 NAYS, 14 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

ABSENT AND NOT VOTING: Lindgren

SB 2424 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2435: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ page 565 be adopted with DO PASS.

REQUEST

SEN. HEINRICH REQUESTED that the Senate divide the amendments to SB 2435, which request was granted.

DIVISION I

Page 1, line 8, overstrike "Each"

Page 1, line 9, overstrike "election judge" and insert immediately thereafter "The board of county commissioners of the county in which the polling place is located"

Renumber accordingly

DIVISION II

Page 1, line 13, replace "three" with "one", after "hundred" insert "fifty", and replace "last" with "same election, primary or general, four years prior to this"

Renumber accordingly

The question being on the adoption of Division I of the proposed amendments to SB 2435.

Division I of the proposed amendments to SB 2435 lost.

The question being on the adoption of Division II of the proposed amendments to SB 2435.

Division II of the proposed amendments to SB 2435 was adopted.

SECOND READING OF SENATE BILL

SB 2435: A BILL for an Act to amend and reenact subsection 3 of section 16.1-05-01 and subsections 2 and 3 of section 16.1-05-04 of the North Dakota Century Code, relating to election officers.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 23 YEAS, 14 NAYS, 14 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Graba; Hanson, E.; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Marks; Mathern; Maxson; Nalewaja; Peterson; Schoenwald; Stenehjem; Tomac; Traynor; Wogsland

NAYS: Bowman; David; DeKrey; Freborg; Hanson, O.; Meyer; Moore; Mutch; Nelson; O'Connell; Solberg; Streibel; Tennefos; Vosper

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

ABSENT AND NOT VOTING: Heigaard; Lindgren

SB 2435 lost for want of a Constitutional majority.

MOTION

SEN. WOGSLAND MOVED that SB 2436 be moved to the bottom of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2458: SEN. KELSH (Committee on Agriculture) MOVED that the amendments on SJ page 566 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2458: A BILL for an Act to create and enact two new sections to chapter 4-38 of the North Dakota Century Code, relating to organic foods; to amend and reenact sections 4-38-02 and 4-38-03 of the North Dakota Century Code, relating to organic foods; 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 40 YEAS, 0 NAYS, 12 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Thane; Yockim

ABSENT AND NOT VOTING: Lindgren

SB 2458 passed and the title was agreed to.

MOTIONS

SEN. WOGSLAND MOVED that the Senate stand in recess until 4:00 p.m., which motion prevailed.

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

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

SEN. WOGSLAND MOVED that the rules be suspended and that the Senate consider the floor amendments to SB 2282 in lieu of the amendment submitted by the Committee on Appropriations on SJ page 530, which motion prevailed.

PROPOSED FLOOR AMENDMENTS TO ENGROSSED SENATE BILL NO. 2282

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"

Page 7, line 13, replace "\$400,000" with "\$600,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 605 - CORN COUNCIL

This amendment changes the assessment on corn from one-half cent per bushel to one-half of one percent of the value of a bushel and increases the Corn Council's appropriation for collections of the assessment by \$200,000, from \$400,000 to \$600,000.

SECOND READING OF SENATE BILL

SB 2282: A BILL for an Act to provide for a North Dakota corn utilization council; to provide for an assessment on corn production; to provide a penalty; and to provide an 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 38 YEAS, 12 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, O.; Heinrich; Holmberg; Ingstad; Jerome; Kelly; Kelsh; Krauter; Krebsbach; Lindaas; Lips; Marks; Mathern; Maxson; Moore; Mushik; Nalewaja; Nelson; Nething; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Tallackson; Tennefos; Thane; Tomac; Traynor; Yockim

NAYS: David; Dotzenrod; Hanson, E.; Keller; Kinnoin; Langley; Mutch; Naaden; O'Connell; Streibel; Vosper; Wogsland

ABSENT AND NOT VOTING: Heigaard; Lindgren; Meyer

SB 2282 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2457: SEN. MATHERN (Committee on Human Services and Veterans Affairs) MOVED that the amendments on SJ pages 531-533 be adopted with DO PASS, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that SB 2457, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SCR 4028: SEN. HEINRICH (Committee on Education) MOVED that the amendments on SJ page 536 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4028: A concurrent resolution urging the State Board of Higher Education to implement Report F - Academic programs.

The question being on the final adoption of the amended resolution, which has been read.

SCR 4028 was declared lost on a verification vote.

CONSIDERATION OF AMENDMENTS

SCR 4038: SEN. MEYER (Committee on Natural Resources) MOVED that the amendments on SJ page 536 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4038: A concurrent resolution directing the Legislative Council to investigate and recommend a program or programs for funding and financing water resource development throughout the state.

The question being on the final adoption of the amended resolution, which has been read.

SCR 4038 was declared adopted.

MOTION

SEN. WOGSLAND MOVED that SB 2009, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2033: SEN. TALLACKSDON (Committee on Appropriations) MOVED that the amendments on SJ pages 554-555 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2033: A BILL for an Act to create and enact a new section to chapter 50-01.1 of the North Dakota Century Code, relating to financial incentives provided by the department of human services for creating multicounty social service districts; to amend and reenact sections 50-01.1-01, 50-01.1-02, 50-01.1-03, and 50-01.1-04 of the North Dakota Century Code, relating to multicounty social service districts; and to provide an appropriation from the state aid distribution fund.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 35 YEAS, 16 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Heigaard; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjelm; Tallackson; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Goetz; Hanson, O.; Holmberg; Ingstad; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Solberg; Streibel; Tennesos

ABSENT AND NOT VOTING: Lindgren; Meyer

SB 2033 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2058: SEN. TALLACKSDON (Committee on Appropriations) MOVED that the amendments on SJ page 555 be adopted with DO PASS, which motion prevailed.

MOTIONS

SEN. HEIGAARD MOVED that Reengrossed SB 2058 be amended as follows:

Page 18, line 27, remove "first year of the"

Renumber accordingly

SEN. HEIGAARD MOVED that the proposed amendments be adopted, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2058: A BILL for an Act to create and enact section 4-14.1-03.1, chapters 6-09.13, 6-09.14, sections 10-30.3-10, 10-30.3-11, 10-30.3-12, and chapters 10-30.4 and 54-34.3 of the North Dakota Century Code, relating to the agricultural utilization commission, on-farm loan programs, business loan programs, the creation of the primary sector development fund, the creation of the science and technology corporation, and the establishment of a department of economic development and finance; to amend and reenact sections 4-14.1-01, 4-14.1-02, 4-14.1-03, 6-09-02, subsection 1 of section 6-09-15, sections 6-09-15.5, 6-09.10-03, 10-24-40, subsection 6 of section 10-30-04, sections 10-30.2-02, 10-30.2-05, 10-30.3-01, 10-30.3-02, 10-30.3-03, 10-30.3-05, 10-30.3-07, 15-12-25, 21-11-02, 21-11-03, 21-11-04, 21-11-05, 21-11-06, 24-02-37.1, 24-03-21, subsection 6 of section 26.1-05-19, subsection 1 of section 28-32-01, sections 52-01-03, 54-34-06.1, 54-34-12, 54-34-15, 54-36-01, 54-40.1-01, subsection 7 of section 54-40.1-02, sections 54-40.1-04, 54-40.1-05, 54-53-02, 55-06-01, and 55-08-02.1 of the North Dakota Century Code and section 8 of House Bill No. 1046, as approved by the

fifty-second legislative assembly, relating to the duties of the agricultural utilization commission, the duties of the agricultural mediation service, creation of the economic development finance corporation, the operation of the Bank of North Dakota, references to the economic development commission, the duties of regional councils, and the appropriation to the regional rural development revolving loan fund; to repeal sections 54-34-01, 54-34-02, 54-34-03, 54-34-03.1, 54-34-04, 54-34-05.1, 54-34-06, and 54-34-08 of the North Dakota Century Code, section 1 of chapter 112 of the 1989 Session Laws and sections 1, 2, and 3 of House Bill No. 1046, as approved by the fifty-second legislative assembly, relating to the economic development commission, the transfer of the Bank of North Dakota's profits into the beginning farmer revolving loan fund, and the rural development revolving loan fund; to require collocation of economic development entities; to provide for a transition; to provide for an allocation of the earnings of the Bank of North Dakota; to provide an appropriation; to provide for appropriation reductions; 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 38 YEAS, 13 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; Nething; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Tennefos; Thane; Tomac; Traynor; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Hanson, O.; Kinnoin; Moore; Mutch; Naaden; Nelson; O'Connell; Solberg; Streibel; Vosper

ABSENT AND NOT VOTING: Lindgren; Meyer

SB 2058 passed, the title was agreed to, and the emergency clause carried.

CONSIDERATION OF AMENDMENTS

SB 2272: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 558 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2272: A BILL for an Act to amend and reenact section 57-15-56 of the North Dakota Century Code, relating to state matching funds for services and programs for senior citizens; and to provide an appropriation from the state aid distribution fund.

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; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Lindgren; Meyer

SB 2272 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2294: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ pages 558-559 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2294: A BILL for an Act providing an appropriation to the agricultural experiment station to purchase Hastings hall from 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 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; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjsem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Lindgren; Meyer

SB 2294 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2358: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ page 559 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2358: A BILL for an Act to create and enact a new section to chapter 26.1-23.1 of the North Dakota Century Code, relating to prohibited activities of government self-insurance pools.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 23 YEAS, 28 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, O.; Holmberg; Ingstad; Krebsbach; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Solberg; Stenehjsem; Streibel; Tennefos; Traynor; Vosper

NAYS: Dotzenrod; Graba; Hanson, E.; Heigaard; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Tallackson; Thane; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Lindgren; Meyer

SB 2358 lost.

MOTION

SEN. WOGSLAND MOVED that SB 2376, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2436: SEN. KELSH (Committee on Agriculture) MOVED that the amendments on SJ pages 565-566 be adopted and then be placed on the CALENDAR WITHOUT RECOMMENDATION, which motion lost on a verification vote.

SECOND READING OF SENATE BILL

SB 2436: A BILL for an Act relating to a right of first refusal of preceding owners of agricultural land.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 11 YEAS, 39 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Heigaard; Heinrich; Keller; Kelly; Kelsh; Mathern; Mushik; Schoenwald; Tallackson; Yockim

NAYS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Holmberg; Ingstad; Jerome; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Maxson; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Solberg; Stenehjerm; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland

ABSENT AND NOT VOTING: Lindgren; Meyer; Satrom

SB 2436 lost.

CONSIDERATION OF AMENDMENTS

SB 2493: SEN. KELSH (Committee on Agriculture) MOVED that the amendments on SJ page 566 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2493: A BILL for an Act to amend and reenact subdivision b of subsection 1 of section 11-18-05 of the North Dakota Century Code, relating to recording fees charged by the register of deeds.

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

NAYS: Satrom; Yockim

ABSENT AND NOT VOTING: Lindgren; Meyer

SB 2493 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2499: SEN. KELSH (Committee on Agriculture) MOVED that the amendments on SJ pages 566-567 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2499: A BILL for an Act to amend and reenact section 36-01-01 of the North Dakota Century Code, relating to the state board of animal health; 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 36 YEAS, 14 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Marks; Mathern; Maxson; Mushik; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: David; DeKrey; Hanson, O.; Lindaas; Lips; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Solberg; Streibel; Tennefos

ABSENT AND NOT VOTING: Heigaard; Lindgren; Meyer

SB 2499 passed, the title was agreed to.

MOTION

SEN. KELLY MOVED that the Senate reconsider its action whereby SB 2422 failed to pass, for want of a Constitutional majority, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2422: A BILL for an Act to amend and reenact subsection 1 of section 57-40.6-02 of the North Dakota Century Code, relating to the excise tax that counties or cities may impose on telephone access lines.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 46 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: DeKrey; Hanson, E.; Moore; Mutch; O'Connell; Vosper

ABSENT AND NOT VOTING: Lindgren; Meyer; Naaden; Yockim

SB 2422 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2506: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ page 567 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2506: A BILL for an Act to amend and reenact sections 15-47-06, 16.1-07-05, subsection 1 of section 16.1-07-08, and subsection 1 of section 16.1-07-08.1, and section 40-21-13 of the North Dakota Century Code, relating to absentee ballots; 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 50 YEAS, 0 NAYS, 0 EXCUSED, 3 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; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Lindgren; Meyer; Naaden

SB 2506 passed, the title was agreed to, and the emergency clause carried.

MOTION

SEN. WOGSLAND MOVED that the Senate stand in recess until 6:30 p.m., which motion prevailed.

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

CONSIDERATION OF AMENDMENTS

SB 2509: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ page 567 be adopted with DO PASS, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that SB 2509, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2519: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ page 567 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2519: A BILL for an Act to create and enact a new subsection to section 16.1-01-09 of the North Dakota Century Code, relating to initiative, referendum, and recall petitions; and to amend and reenact subsection 1 of section 16.1-01-09 of the North Dakota Century Code, relating to initiative, referendum, and recall petitions.

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.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Lindgren; Meyer; Naaden

SB 2519 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2543: SEN. KELLER (Committee on State and Federal Government) MOVED that the amendments on SJ pages 567-568 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2543: A BILL for an Act to amend and reenact sections 16.1-08.1-02, 16.1-08.1-03, and 16.1-08.1-06 of the North Dakota Century Code, relating to campaign contribution statements.

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, 3 NAYS, 0 EXCUSED, 3 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; Lips; Marks; Mathern; Maxson; Moore; Mushik; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Tallackson; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Mutch; Streibel; Tennefos

ABSENT AND NOT VOTING: Lindgren; Meyer; Naaden

SB 2543 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2549: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ pages 568-569 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2549: A BILL for an Act to authorize the industrial commission, acting as the state building authority, to issue loan notes to make funds available for construction and acquisition of a western history museum on the Dickinson state university campus; and to provide an 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 37 YEAS, 13 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Bowman; Freborg; Graba; Hanson, O.; Langley; Moore; Mutch; Nelson; Solberg; Stenehjem; Streibel; Tennefos; Vosper

ABSENT AND NOT VOTING: Lindgren; Meyer; Naaden

SB 2549 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2556: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ page 569 be adopted with DO PASS, which motion prevailed.

MOTION

SEN. NALEWAJA MOVED that the amendments to SB 2556 be amended as follows:

PROPOSED FLOOR AMENDMENTS TO SENATE BILL NO. 2556

That the proposed amendments to Senate Bill No. 2556 as printed on page 569 of the Senate Journal be amended as follows:

Page 569 of the Senate Journal, remove lines 19 and 20

Page 569 of the Senate Journal, line 24, after the second comma, insert "replace "does not apply" with "applies" and"

ReNUMBER accordingly

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

SECOND READING OF SENATE BILLS

SB 2556: A BILL for an Act to provide for fuel cost adjustment clause inclusion in any construction contract entered by the state or a political subdivision.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 2 NAYS, 0 EXCUSED, 3 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; Lips; Marks; Mathern; Maxson; Moore; Mushik; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjerm; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Mutch; Streibel

ABSENT AND NOT VOTING: Lindgren; Meyer; Naaden

SB 2556 passed and the title was agreed to.

SB 2005: A BILL for an Act making an appropriation for defraying the expenses of the state radio communications department.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 0 NAYS, 0 EXCUSED, 3 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; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Lindgren; Meyer; Naaden

SB 2005 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that SB 2054 and SB 2371, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2421: A BILL for an Act to amend and reenact sections 27-25-03 and 27-25-04 of the North Dakota Century Code, relating to the authority of the governor to fill vacancies in the office of district judge.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 0 YEAS, 49 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

NAYS: 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; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Lindgren; Meyer; Naaden; Tennefos

SB 2421 lost.

MOTIONS

SEN. WOGSLAND MOVED that SB 2441 and SB 2453, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

SEN. STRIEBEL MOVED that the Senate reconsider its action whereby SB 2336 failed to pass, which motion prevailed.

SEN. STRIEBEL MOVED that SB 2336 be laid over one legislative day, which motion lost on a verification vote.

SECOND READING OF SENATE BILLS

SB 2336: A BILL for an Act to amend and reenact section 15-12-02 of the North Dakota Century Code, relating to courses of instruction and the academic year at the North Dakota state university of agriculture and applied science.

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, 27 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Freborg; Hanson, E.; Hanson, O.; Kelsh; Kinnoin; Krauter; Langley; Moore; Mutch; Nalewaja; Nething; Solberg; Streibel; Tallackson; Thane; Tomac; Vosper

NAYS: Evanson; Goetz; Graba; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Krebsbach; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; Nelson; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Traynor; Wogsland; Yockim

ABSENT AND NOT VOTING: Lindgren; Meyer; Naaden; Peterson; Tennefos

SB 2336 lost.

SB 2488: A BILL for an Act to repeal section 35-05-04 of the North Dakota Century Code, relating to the invalidity of crop security agreements that claim security interests in other personal property.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 7 YEAS, 41 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bowman; Freborg; Kinnoin; Langley; Maxson; Nalewaja; Vosper

NAYS: David; DeKrey; Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Lindaas; Lips; Marks; Mathern; Moore; Mushik; Mutch; Nelson; Nething; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Thane; Tomac; Traynor; Wogsland; Yockim

ABSENT AND NOT VOTING: Lindgren; Meyer; Naaden; Peterson; Tennefos

SB 2488 lost.

MOTION

SEN. WOGSLAND MOVED that SB 2497 and SB 2099 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2497: A BILL for an Act relating to parental examination of instructional materials and examinations of students.

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, 35 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bowman; David; Hanson, O.; Kinnoin; Krauter; Moore; Mutch; Nalewaja; Nething; Solberg; Streibel; Thane; Vosper

NAYS: DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krebsbach; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Tomac; Traynor; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Lindgren; Meyer; Naaden; Tennefos

SB 2497 lost.

SB 2099: A BILL for an Act to create and enact two new sections to chapter 54-16 of the North Dakota Century Code, relating to the allocation of funds and the authorization of the exchange of goods and services by the emergency commission.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Freborg; Langley; Lindgren; Meyer; Naaden; Tennefos

SB 2099 passed and the title was agreed to.

MOTIONS

SEN. WOGSLAND MOVED that the absent member be excused, 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 11:00 a.m., Wednesday, February 20, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

SB 2001: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, remove the first "and"

Page 1, line 8, after "commissioner" insert "; and to provide a statement of legislative intent"

Page 2, line 29, replace "9,952,403" with "10,072,743"

Page 3, line 1, replace "451,917" with "452,877"

Page 3, line 2, replace "2,077,312" with "2,008,662"

Page 3, line 9, replace "68,324" with "118,324"

Page 3, line 10, replace "17,773,031" with "17,875,681"

Page 3, line 11, replace "9,487,639" with "9,584,107"

Page 3, line 12, replace "8,285,392" with "8,291,574"

Page 3, line 24, replace "577,471" with "534,417"

Page 3, line 25, replace "138,146" with "147,100"

Page 3, line 26, replace "83,577" with "56,307"

Page 3, line 27, replace "6.412" with "4.837"

Page 3, line 29, replace "2,380,611" with "2,317,666"

Page 4, line 1, replace "126,248" with "5,000"

Page 4, line 2, replace "2,254,363" with "2,312,666"

Page 4, line 7, replace "1,989,344" with "2,037,344"

Page 4, line 11, replace "14,142,921" with "14,190,921"

Page 4, line 13, replace "13,742,921" with "13,790,921"

Page 5, line 17, replace "2,596,893" with "2,674,087"

Page 5, line 19, replace "732,347" with "655,153"

Page 5, line 22, replace "39,230,713" with "39,343,198"

Page 5, line 23, replace "22,791,795" with "22,767,015"

Page 5, line 24, replace "62,022,508" with "62,110,213"

Page 6, line 1, replace "APPROPRIATION - TRANSFER" with "FIRE AND TORNADO FUND" and replace "There is" with "The appropriation"

Page 6, remove line 2

Page 6, line 3, after the first comma insert "includes"

Page 6, line 14, remove "Funds under this section are hereby"

Page 6, remove lines 15 and 16

Page 6, line 23, replace "APPROPRIATION" with "ASSETS FORFEITURE FUND" and replace "There is hereby" with "The appropriation for the attorney general in subdivision 4 of section 1 of this Act, includes"

Page 6, line 24, remove "appropriated", after "\$36,000" insert ", or so much thereof as may be necessary,", and replace "to the attorney general" with a period

Page 6, remove line 25

Page 6, line 26, replace "APPROPRIATION" with "BONDING FUND" and remove "There is hereby"

Page 6, line 27, replace "appropriated to" with "The appropriation for" and remove "as"

Page 6, line 28, replace "the sum of" with "includes"

Page 7, line 3, replace "APPROPRIATION" with "FIRE AND TORNADO FUND" and replace "There is hereby" with "The appropriation for"

Page 7, line 4, remove "appropriated to" and remove "as"

Page 7, line 5, replace "the sum of" with "includes"

Page 7, line 9, replace "APPROPRIATION" with "UNSATISFIED JUDGMENT FUND" and replace "There is hereby" with "The appropriation for"

Page 7, line 10, remove "appropriated to" and remove "as"

Page 7, line 11, replace "the sum of" with "includes"

Page 7, line 15, replace "APPROPRIATION" with "BONDING FUND" and replace "There is hereby" with "The appropriation for the attorney general included in subdivision 4 of section 1 of this Act includes"

Page 7, line 16, remove "appropriated up to"

Page 7, line 17, remove "to the attorney general"

Page 7, line 28, replace "APPROPRIATION" with "COLLECTIONS"

Page 8, line 2, remove "is hereby appropriated"

Page 8, line 3, replace "as" with "is"

Page 8, line 4, after "Act" insert "as estimated income"

Page 8, line 6, replace "APPROPRIATION" with "COLLECTIONS"

Page 8, line 9, remove "is hereby appropriated"

Page 8, line 10, replace "as" with "is"

Page 8, line 11, after "Act" insert "as estimated income"

Page 8, remove lines 12 through 18

Page 8, line 19, replace "APPROPRIATION" with "COLLECTIONS"

Page 8, line 21, remove "is hereby appropriated"

Page 8, line 22, replace "as" with "is"

Page 8, line 23, after "Act" insert "as estimated income", replace "amounts" with "collections", and replace "\$1,470,906" with "expenditures"

Page 11, line 11, replace "APPROPRIATION" with "BANK OF NORTH DAKOTA PROFITS" and replace "There is hereby" with "The appropriation for the agriculture commissioner included in subdivision 10 of section 1 of this Act includes"

Page 11, line 12, remove "appropriated the sum of"

Page 11, line 13, remove "to the agriculture"

Page 11, line 14, remove "commissioner,"

Page 11, after line 16, insert:

"SECTION 27. LEGISLATIVE INTENT - ATTORNEY GENERAL - LITIGATION FEES. It is the intent of the legislative assembly that \$50,000 included in the litigation fees line item in subdivision 4 of section 1 of this Act be used for costs related to the litigation involving the United States corps of engineers over the management of Missouri River dams."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 120 - STATE TREASURER

This amendment makes the following changes to the State Treasurer's executive budget recommendation:

- Deletes one FTE fiscal analyst position and related funding included in the executive budget as follows:

Salaries and wages (1 FTE)	\$(43,054)
Information services	(4,194)
Operating expenses	(3,000)
Equipment	(4,575)
General fund reduction	\$(54,823)

- Increases funding for information services by \$13,148 from the general fund.
- Reduces the estimated income line item by \$121,248 due to the elimination of alcohol brand fees which were proposed in Senate Bill No. 2450. Because the State Treasurer's office will not receive special funds from brand fees, the operating expenses line item is reduced by \$24,270 relating to costs which would have been paid to other state agencies for services provided. The general fund support for the State Treasurer's office is increased by \$96,978 to cover costs which would have been paid for by the brand fees.
- Provides \$3,000 from the general fund for the purchase of a computer and printer.
- The total change to the State Treasurer's office is a reduction of

one FTE position, from nine FTE to eight FTE; a general fund increase of \$58,303, from \$2,254,363 to \$2,312,666; and a reduction of special funds of \$121,248, from \$126,248 to \$5,000.

DEPARTMENT 125 - ATTORNEY GENERAL

This amendment makes the following changes to the Attorney General's office executive budget recommendation:

- Adds funding from federal or other funds for one FTE consumer fraud investigator position and related expenses as follows:

Salaries and wages - 1 FTE	\$55,408
Information services	960
Operating expenses	5,100
Special funds increase	<u>\$61,468</u>

- Adds funding from the general fund for one FTE training position and related expenses as follows:

Salaries and wages - 1 FTE	\$64,932
Operating expenses	7,000
General fund increase	<u>\$71,932</u>

- Eliminates funding of \$115,750 from the general fund for prosecution witness fees. (It is the intent of the Legislative Assembly that funding for prosecution witness fees will be addressed in the Supreme Court budget.)
- Increases funding from special funds from charges to gaming employees by \$35,000 for Gaming Division operating expenses to pay the Department of Transportation for producing work permit photos.
- Provides \$50,000 from the general fund to be used for legal action opposing reductions in Lake Sakakawea's water level.
- The total change to the Attorney General's executive budget recommendation is an increase of two FTE positions, from 132 FTE to 134 FTE; a general fund increase of \$6,182, from \$8,285,392 to \$8,291,574; an increase in special funds of \$96,468, from \$9,487,639 to \$9,584,107.

DEPARTMENT 127 - TAX COMMISSIONER

This amendment increases the operating expenses line item by \$48,000 from the general fund for employee training.

DEPARTMENT 401 - INSURANCE COMMISSIONER

This amendment increases the salaries and wages line item by \$77,194 and decreases operating expenses by the same amount. The \$77,194 was moved from operating expenses to salaries to provide funding for one FTE financial analyst position. Also, the \$22,806 remaining in operating expenses is for dues and professional fees and other reimbursements to fund legislative participation in the National Conference of Insurance Legislators. The amount of \$100,000 was originally provided in the bill for legal fees charged by the Attorney General for defense in a lawsuit and this funding is no longer considered necessary.

This amendment, in total, increases funding from the general fund by \$112,485, from \$39,230,713 to \$39,343,198 and decreases funding from special funds by \$24,780, from \$22,791,795 to \$22,767,015.

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

Page 2, line 6, remove "appropriated"

Page 2, line 7, replace ", to" with "for"

Page 2, line 15, remove "appropriated" and replace ", to" with "for"

Page 2, line 16, remove the comma

Page 2, line 20, replace "for" with "included in"

Page 2, line 21, remove "appropriated"

Page 2, line 22, remove "to the state game and fish department,"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Sections 2, 3, and 4 of the bill are amended to remove unnecessary appropriation language since moneys are appropriated in Section 1 of this Act.

SB 2017: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 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 create and enact a new section to chapter 61-02 of the North Dakota Century Code, relating to repayment of loan proceeds and reimbursement of federal funds"

Page 2, line 3, replace "is hereby appropriated" with "may be spent" and replace "to" with "by"

Page 2, line 15, replace "\$14,960,662" with "\$7,758,323"

Page 2, after line 18, insert:

"SECTION 6. A new section to chapter 61-02 of the North Dakota Century Code is created and enacted as follows:

Repayment of loan proceeds and reimbursements deposited in resources trust fund. Notwithstanding section 61-02-64.1, any repayment made after January 1, 1991, of any loans disbursed from the contract fund or resources trust fund and any moneys paid to the state or the commission after January 1, 1991, to reimburse the commission for moneys used for municipal, rural, and industrial water supply projects must be deposited in the resources trust fund in the state treasury."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 770 - WATER COMMISSION

This amendment adds a section providing that loan repayments and reimbursement of federal funds received by the State Water Commission be deposited in the resources trust fund. Also, Section 2 is corrected to refer to estimated revenues of \$7,758,323 not the total appropriation of \$14,960,662 from the fund.

SB 2026: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2026 was placed on the Eleventh order on the calendar.

SB 2027: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2027 was placed on the Eleventh order on the calendar.

SB 2165: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2165 was placed on the Eleventh order on the calendar.

SB 2176: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2176 was placed on the Eleventh order on the calendar.

SB 2246: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2246 was placed on the Eleventh order on the calendar.

SB 2254: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2254 was placed on the Eleventh order on the calendar.

SB 2255: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2255 was placed on the Eleventh order on the calendar.

SB 2265: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2265 was placed on the Eleventh order on the calendar.

SB 2359: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

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

Page 1, line 6, replace "'Commissioner'" with "'Commission'" and replace "commissioner of agriculture" with "state water commission"

Page 1, after line 8, insert:

"3. "State engineer" means the state engineer appointed under section 61-03-01."

Page 1, line 10, replace "commissioner" with "commission"

Page 1, line 13, replace "commissioner" with "commission"

Page 1, line 15, replace "commissioner" with "commission"

Page 1, line 22, replace "commissioner" with "commission"

Page 2, line 1, replace "commissioner" with "commission"

Page 2, line 3, replace "commissioner" with "state engineer"

Page 2, line 4, replace the first "commissioner" with "commission" and replace the second "commissioner" with "state engineer"

Page 2, line 6, replace "commissioner" with "state engineer"

Page 2, line 7, replace "the order received" with "accordance with rules and criteria for eligibility"

Page 2, remove lines 9 through 18

Re-number accordingly

- SB 2382: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2382 was placed on the Eleventh order on the calendar.
- SB 2394: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2394 was placed on the Eleventh order on the calendar.
- SB 2402: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2402 was placed on the Eleventh order on the calendar.
- SB 2420: Committee on State and Federal Government (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 10, replace "clearly demonstrate" with "show"

Page 1, line 13, replace "The" with "An estimate of the"

Page 1, line 18, replace "Any" with "An estimate of any"

Page 2, line 1, replace "The" with "An estimate of the"

Page 2, line 14, remove "; however, the duration of a contract may not exceed"

Page 2, line 15, remove "thirty-six months"

Page 2, line 22, replace "also include assurance" with "contain certification"

Renumber accordingly

- SB 2442: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, after "subdivisions" insert "except school districts"

Page 1, line 3, after "subdivision" insert "except a school district"

Page 1, line 21, after "taxes" insert ", except a school district"

Page 2, line 4, replace "sixty" with "fifty-five"

Page 2, line 17, replace "two" with "twenty"

Page 3, line 10, replace "base" with "budget"

Page 3, line 16, replace "A" with "Under this section, a taxing district may supersede any applicable mill levy limitation otherwise provided by law, or a"

Page 3, line 17, replace "and" with "but"

Page 3, after line 23, insert:

"c. Any portion of the building fund levy that must be allocated by contract with the state school construction fund."

Page 3, line 28, after "state" insert ", except a school district,"

Page 5, line 6, after "plus" insert "compound" and remove "of twelve"

Page 5, line 7, remove "percent compound interest per year or any higher rate"

Renumber accordingly

SB 2455: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, replace lines 15 through 22 with:

"48-02-05.1. Bid requirements and acceptance. Competitive bids for the work for which plans, drawings, and specifications are required by section 48-02-02 may must be allowed to be submitted as multiple prime bids for the single project, individual bids for general, electrical, and mechanical contracts, when applicable. In addition to the required multiple prime bids, the governing board may also allow submission of single prime bids or bids for other portions of the project. Determining bids for other portions of the project is the responsibility of the governing board. The governing board may not accept the single project prime bid unless that bid is lower than the combined total of the lowest and best bids for general, electrical, and mechanical the contracts."

Page 2, remove lines 1 through 3

Renumber accordingly

SB 2492: Committee on Education (Sen. Heinrich, 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 10, remove the overstrike over "A temporary license may be issued only once and may"

Page 1, line 11, remove the overstrike over "be renewed for a period not to exceed"

Page 1, line 12, remove the overstrike over "four consecutive years"

Page 1, line 13, remove the overstrike over the period

Page 1, line 14, after "for" insert "issuance and"

Renumber accordingly

SB 2523: Committee on Education (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 10, replace "may" with "shall"

Renumber accordingly

SB 2531: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 18, replace "Notwithstanding any other" with "For a venture capital corporation that was organized before January 1, 1989, which invested in an entity or affiliate of an entity that owned tax-exempt securities, investments made in that venture capital corporation after"

February 28, 1991, do not qualify for the tax credit provided by this chapter."

Page 2, remove lines 19 through 27

Renumber accordingly

SB 2552: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2552 was placed on the Eleventh order on the calendar.

SCR 4035: Committee on Education (Sen. Heinrich, 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 2, remove lines 6 through 9

Renumber accordingly

HB 1089, as engrossed: Committee on Education (Sen. Heinrich, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1089 was placed on the Fourteenth order on the calendar.

HB 1090: Committee on Education (Sen. Heinrich, Chairman) recommends DO PASS AND BE PLACED ON THE CONSENT CALENDAR (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1090 was placed on the Fourteenth order on the calendar.

HB 1220: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1220 was placed on the Fourteenth order on the calendar.

HB 1359, as engrossed: Committee on Education (Sen. Heinrich, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1359 was placed on the Fourteenth order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sen. Maxson introduced:

SCR 4042: A concurrent resolution directing the Legislative Council to study law enforcement and regulatory activities in the state of North Dakota. Was read the first time and referred to the Committee on Judiciary.

Sens. Stenehjem, Maxson and Reps. Clayburgh, Kretschmar introduced:

SCR 4043: A concurrent resolution directing the Legislative Council to review and monitor the implementation of legislation establishing a single trial court of general jurisdiction. Was read the first time and referred to the Committee on Judiciary.

Sen. Kelsh introduced:

SCR 4044: A concurrent resolution directing the Legislative Council to study court cases and state law regarding claim and delivery, as well as attachment. Was read the first time and referred to the Committee on Judiciary.

Sens. Graba, Nalewaja introduced:

SCR 4045: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of consolidating all building and construction code administration responsibilities under one authority. Was read the first time and referred to the Committee on Political Subdivisions.

FIRST READING OF HOUSE BILLS

HB 1015: A BILL for an Act making an appropriation for defraying the expenses of the highway patrol.

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

HB 1138: A BILL for an Act to create and enact a new subsection to section 53-06.1-14 of the North Dakota Century Code, relating to the costs of background investigations of gaming applicants; and to amend and reenact section 51-15-10, subsection 2 of section 53-06.1-06.1, and section 54-12-18, relating to costs, expenses, attorney's fees, and costs of background investigations for gaming applicants recovered by the attorney general and deposited into a special fund; and to provide an appropriation.

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

HB 1166: A BILL for an Act to prohibit false statements in political advertisements; and to provide a penalty.

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

HB 1215: A BILL for an Act to make an appropriation for defraying North Dakota's cost share of the Belfield/Bowman radiation remediation project costs under authority of the Uranium Mill Tailings Radiation Control Act; to provide authorization to the board of university and school lands to negotiate with the department of energy on behalf of the state of North Dakota concerning the Belfield/Bowman radiation remediation project; and to provide authorization to acquire necessary land by purchase or eminent domain.

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

HB 1218: A BILL for an Act to create and enact two new sections to chapter 57-01 and a new section to chapter 57-38 of the North Dakota Century Code, relating to extension of the period of time for the tax commissioner to make an assessment if a subpoena is issued and failure of a taxpayer to complete an income tax return or supply information on changes under a federal income tax return; to amend and reenact sections 57-38-33, 57-38-38, 57-38-40, 57-39.2-15, 57-39.2-15.1, 57-39.2-25, 57-51-09 and 57-51-19 of the North Dakota Century Code, relating to failure to complete returns or supply information, failure to file a sales tax return, protest of a sales tax assessment, extension of time to perform a sales tax audit, payment of sales tax refunds, assessment of additional oil and gas production tax, and claims for credit or refund; and to provide an effective date.

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

HB 1276: A BILL for an Act to amend and reenact sections 50-24.4-01 and 50-24.4-10 of the North Dakota Century Code, relating to definition of terms and reimbursement for nursing home operating costs after January 1, 1990; and to provide an effective date.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

HB 1336: A BILL for an Act to amend and reenact sections 57-02-08.2 and 57-20-09 of the North Dakota Century Code, relating to a discount for early payment of property taxes to persons sixty-five years of age or older or permanently and totally disabled with limited income upon payment of property taxes in installments; to provide an appropriation; to provide for application; and to provide an effective date.

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

HB 1343: A BILL for an Act to provide for the admission as evidence of the videotaped statement of the child victim of certain sexual offenses.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

HB 1479: A BILL for an Act to create and enact six new sections to chapter 43-05 of the North Dakota Century Code, relating to the board of podiatric medicine; to amend and reenact sections 43-05-01, 43-05-03, 43-05-04, 43-05-05, 43-05-06, 43-05-09, 43-05-10, 43-05-11, 43-05-12, 43-05-13, 43-05-14, 43-05-15, 43-05-16, and 43-05-17 of the North

Dakota Century Code, relating to regulation of the practice of podiatric medicine; and to provide a penalty.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

HB 1507: A BILL for an Act to amend and reenact sections 10-22-01 and 10-27-01 of the North Dakota Century Code, relating to the right of foreign corporations to transact business in this state.

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

HB 1508: A BILL for an Act to prohibit issuance of evidences of indebtedness by any state agency, institution, or instrumentality without prior specific authorization by the legislative assembly.

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

HB 1526: A BILL for an Act to amend and reenact sections 35-13-01, 35-13-02, 35-13-03, and 35-13-04 of the North Dakota Century Code, relating to repairmen's liens.

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

HB 1553: A BILL for an Act to amend and reenact sections 50-01-01, 50-02-05, 50-03-01, 50-03-02, 50-03-03, 50-03-04, 50-03-05, 50-03-06, 50-03-07, 50-06.2-05, and subsection 34 of section 57-15-06.7 of the North Dakota Century Code, relating to the human services fund.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

HB 1556: A BILL for an Act to create and enact a new section to chapter 49-21 of the North Dakota Century Code, relating to call identification services.

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

HB 1593: A BILL for an Act to amend and reenact section 15-38.1-13 of the North Dakota Century Code, relating to teachers' representation and negotiation; to repeal sections 15-38.1-03, 15-38.1-04, 15-38.1-05, and 15-38.1-06 of the North Dakota Century Code, relating to the education factfinding commission and the cost of factfinding; and to provide an expiration date.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3038: A concurrent resolution urging the Office of Surface Mining, Reclamation and Enforcement of the United States Department of the Interior and the North Dakota Public Service Commission to exempt surface coal mining permits of five acres or less in size from the requirements of the Surface Mining Control and Reclamation Act of 1977 and the North Dakota surface mining and reclamation operations laws.

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

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

MARION HOUN, Secretary