

JOURNAL OF THE SENATE

Fifty-second Legislative Assembly

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Bismarck, February 21, 1991

The Senate convened at 9:00 a.m., with President Omdahl presiding.

The prayer was offered by Rev. Robert Nordvall, Charity Lutheran Church, Bismarck.

The roll was called and all members were present except Senators Jerome and Yockim.

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 2005, SB 2033, SB 2058, SB 2078, SB 2094, SB 2099, SB 2200, SB 2205, SB 2272, SB 2282, SB 2294, SB 2403, SB 2422, SB 2424, SB 2434, SB 2458, SB 2493, SB 2499, SB 2505, SB 2506, SB 2507, SB 2508, SB 2519, SB 2520, SB 2543, SB 2549, SB 2556, SB 2570, SCR 4025, SCR 4038.

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

MR. SPEAKER: The Senate respectfully requests the return of: SB 2005.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3016.

CONSIDERATION OF AMENDMENTS

SB 2025: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 658 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2025: A BILL for an Act relating to an agricultural pesticide container disposal program; to amend and reenact subsection 4 of section 19-18-04 of the North Dakota Century Code, relating to pesticide registration fees; to provide an appropriation; and to provide 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 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; 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; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland

ABSENT AND NOT VOTING: Jerome; Yockim

SB 2025 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SB 2259: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 666 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2259: A BILL for an Act to establish a North Dakota real estate appraiser qualifications and ethics board; to provide for the licensure and certification of real estate appraisers; to provide a penalty; to provide authority to obtain a loan from the Bank of North Dakota; 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 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; 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; Stenehjøm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland

ABSENT AND NOT VOTING: Jerome; Yockim

SB 2259 passed, the title was agreed to, and the emergency clause carried.

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MOTION

SEN. WOGSLAND MOVED that SB 2448 be placed below SB 2568 on the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2450: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 669 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2450: A BILL for an Act to create and enact a new section to chapter 5-03 of the North Dakota Century Code, to provide for brand registration of alcoholic beverages; 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 37 YEAS, 14 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Meyer; Mushik; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjøm; Tallackson; Thane; Tomac; Traynor; Wogsland

NAYS: Bowman; David; DeKrey; Hanson, O.; Kinnoin; Lindgren; Moore; Mutch; Naaden; Nething; Solberg; Streibel; Tennefos; Vosper

ABSENT AND NOT VOTING: Jerome; Yockim

SB 2450 passed and the title was agreed to.

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MOTION

SEN. WOGSLAND MOVED that SCR 4035 and SB 2003 be placed at the bottom of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2006: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 653 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2006: A BILL for an Act making an appropriation for defraying the expenses of the division of emergency management.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Bowman; David; DeKrey; Moore; Solberg; Tennefos

ABSENT AND NOT VOTING: Jerome; Yockim

SB 2006 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SB 2008: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ pages 653-654 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2008: A BILL for an Act making an appropriation for defraying the expenses of the board of animal health.

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

YEAS: Bowman; David; OeKrey; 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; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland

NAYS: Maxson; O'Connell

ABSENT AND NOT VOTING: Yockim

SB 2008 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SB 2011: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 654 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2011: A BILL for an Act making an appropriation to the state tax commissioner for payment of state reimbursement under the homestead tax credit.

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, 1 NAY, 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; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland

NAYS: Maxson

ABSENT AND NOT VOTING: Yockim

SB 2011 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SB 2012: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ pages 654-655 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2012: A BILL for an Act making an appropriation for the distribution of state aid distribution fund revenue to local political subdivisions of the state of North Dakota; and to provide a statement of legislative intent.

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; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland

ABSENT AND NOT VOTING: Yockim

SB 2012 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SB 2018: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ pages 655-656 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2018: A BILL for an Act making an appropriation for defraying the expenses of the agricultural products utilization commission; and to provide a statement of legislative intent.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; 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; Mushik; Naaden; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland

NAYS: David; Moore; Mutch; Nalewaja; Nelson; Solberg

ABSENT AND NOT VOTING: Yockim

SB 2018 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SB 2020: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 656 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2020: A BILL for an Act making an appropriation for defraying the expenses of various state retirement and investment agencies.

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; Traynor; Vosper; Wogsland

ABSENT AND NOT VOTING: Yockim

SB 2020 passed and the title was agreed to.

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REQUEST

SEN. NELSON REQUESTED that the Senate divide the amendments to SB 2021, which request was granted.

DIVISION I - Remainder of amendment

DIVISION II - Page 3, remove lines 11 through 14

The question being on the adoption of Division I of the proposed amendments to SB 2021.

Division I of the proposed amendments to SB 2021 was adopted on a verification vote.

MOTION

SEN. WOGSLAND MOVED that the Senate vote on SB 2021 no later than 10:20 p.m., which motion prevailed.

REQUEST

SEN. MOORE REQUESTED a recorded roll call vote on the motion to adopt Division II of the proposed amendments to SB 2021, which request was granted.

ROLL CALL

The question being on the motion to adopt Division II of the proposed amendments to SB 2021, the roll was called and there were 27 YEAS, 26 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, O.; Holmberg; Ingstad; Krebsbach; Lindgren; Marks; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Solberg; Stenehjem; Streibel; Tennefos; Thane; Traynor; Vosper

Division II of the proposed amendments to SB 2021 was adopted.

CONSIDERATION OF AMENDMENTS

SB 2021: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ pages 656-658 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2021: A BILL for an Act making an appropriation for defraying the expenses of various state departments and institutions; providing a statement regarding case mix nursing home reimbursement; 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 52 YEAS, 1 NAY, 0 EXCUSED, 0 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; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Solberg

SB 2021 passed, the title was agreed to, and the emergency clause carried.

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

MR. PRESIDENT: The House accedes to the Senate request for the return of: SB 2005.

MOTION

SEN. LIPS MOVED that SCR 4018 be returned to the Senate floor from the Joint Constitutional Revision Committee for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. LIPS REQUESTED the unanimous consent of the Senate to withdraw SCR 4018. There being no objection, it was so ordered by the President.

CONSIDERATION OF AMENDMENTS

SB 2028: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ pages 658-659 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2028: A BILL for an Act to amend and reenact section 27-05-05 of the North Dakota Century Code, relating to the election of presiding district judges; 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 53 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Traynor; Vosper; Wogsland; Yockim

SB 2028 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SB 2029: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 659 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2029: A BILL for an Act to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to the allocation of the annual net income of the Bank of North Dakota.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 32 YEAS, 21 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: David; Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Moore; Mushik; Mutch; Naaden; Nalewaja; Nething; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Thane

NAYS: Bowman; DeKrey; Freborg; Hanson, O.; Heigaard; Heinrich; Kinnoin; Langley; Maxson; Meyer; Nelson; O'Connell; Peterson; Solberg; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland; Yockim

SB 2029 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SB 2032: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ pages 659-660 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2032: A BILL for an Act making an appropriation from the state aid distribution fund for county optional supplemental payment grants by the department of human services; and declaring 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 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; 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; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Krebsbach

SB 2032 passed, the title was agreed to, and the emergency clause carried.

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CONSIDERATION OF AMENDMENTS

SB 2070: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 660 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2070: A BILL for an Act to amend and reenact section 54-10-14 of the North Dakota Century Code, relating to political subdivision audits and audit fees; and to provide an exemption to the provisions of section 54-44.1-11 regarding cancellation of unexpended appropriation authority.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 53 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Traynor; Vosper; Wogsland; Yockim

SB 2070 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SB 2093: SEN. MATHERN (Committee on Human Services and Veterans Affairs) MOVED that the amendments on SJ pages 661-665 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2093: A BILL for an Act to create and enact a new subsection to section 54-52-01 and a new section to chapter 54-52 of the North Dakota Century Code, relating to the definition of a national guard security officer or firefighter and contributions under the public employees retirement system; to amend and reenact section 37-03-04, subsection 3 of section 54-52-05, subsections 3 and 4 of section 54-52-17, and subsection 1 of section 54-52.1-03.2 of the North Dakota Century Code, relating to determination by the adjutant general of national guard membership requirements, retirement benefits of national guard security officers or firefighters under the public employees retirement system, and the retiree health benefits fund; and to provide for application of this Act.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 53 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Traynor; Vosper; Wogsland; Yockim

SB 2093 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

SB 2146: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 665 be adopted with DO PASS, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2146: A BILL for an Act to create and enact a new section to chapter 65-01 of the North Dakota Century Code, relating to the establishment of an information fund for the workers compensation bureau; to provide a continuing appropriation; 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 52 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Freborg

SB 2146 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

SB 2250: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 666 be adopted with DO NOT PASS, which motion prevailed.

#### MOTION

SEN. WOGSLAND MOVED that the Senate vote on SB 2250 no later than 11:10 a.m., which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2250: A BILL for an Act to provide for establishment and use of the water development trust fund; to create and enact a new section to chapter 6-09 and a new section to chapter 54-18 of the North Dakota Century Code to provide for the allocation of a portion of the annual net income of the Bank of North Dakota and the state mill and elevator; and to provide an appropriation and transfer.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 29 YEAS, 24 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

SB 2250 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SB 2375: SEN. LANGLEY (Committee on Industry, Business and Labor) MOVED that the amendments on SJ page 667 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2375: A BILL for an Act to amend and reenact section 26.1-17-04 of the North Dakota Century Code, relating to the board of directors for nonprofit health service corporations.

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

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

NAYS: Lips; Moore; Nalewaja; Tennefos

ABSENT AND NOT VOTING: Dotzenrod

SB 2375 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SB 2397: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ pages 667-668 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2397: A BILL for an Act to create and enact a new section to chapter 35-03 of the North Dakota Century Code, relating to the responsibility of mortgagees to provide information necessary to satisfy loans secured by mortgages on residential real property that is being sold; 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 53 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Traynor; Vosper; Wogsland; Yockim

SB 2397 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

SB 2407: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ page 668 be adopted with DO NOT PASS, which motion prevailed.

## MOTIONS

SEN. WOGSLAND MOVED that the Senate vote on SB 2407 no later than 11:45 a.m., which motion prevailed.

SEN. MAXSON MOVED that Engrossed SB 2407 be amended as follows:

Page 1, line 8, overstrike "No" and insert immediately thereafter "A" and overstrike "knowingly" and insert immediately thereafter "not"

Page 1, line 10, overstrike "of fact"

Page 1, line 11, overstrike "the sponsor knows to be" and insert immediately thereafter "is"

Page 1, line 18, replace "the official campaign committee of a candidate for" with "a person known by a candidate for public office to be campaigning for that candidate is found guilty of a violation of this section, that candidate is deemed guilty of a class A misdemeanor. It is an affirmative defense if the candidate for public office did not know the person was campaigning for the candidate or did not condone that person's actions."

Page 1, remove lines 19 through 21

Re-number accordingly

## REQUEST

SEN. MAXSON REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2407, which request was granted.

## ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SB 2407, the roll was called and there were 34 YEAS, 19 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; Dotzenrod; Freborg; Graba; Hanson, E.; Heigaard; Heinrich; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Meyer; Mushik; Mutch; Nothing; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Tallackson; Thane; Tomac; Vosper; Wogsland; Yockim

NAYS: David; DeKrey; Evanson; Goetz; Hanson, O.; Holmberg; Krebsbach; Lindgren; Lips; Moore; Naaden; Nalewaja; Nelson; Peterson; Solberg; Stenehjem; Streibel; Tennefos; Traynor

The proposed amendments to Engrossed SB 2407 were adopted.

## SECOND READING OF SENATE BILL

SB 2407: A BILL for an Act to amend and reenact section 16.1-10-04 of the North Dakota Century Code, relating to false information in political advertisements; 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 31 YEAS, 22 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeKrey; Dotzenrod; Evanson; Freborg; Graba; Heigaard; Heinrich; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Meyer; Mushik; O'Connell; Redlin;

Robinson; Satrom; Schoenwald; Tallackson; Tomac; Vosper; Wogsland; Yockim

NAYS: Bowman; David; Goetz; Hanson, E.; Hanson, O.; Holmberg; Krebsbach; Lindgren; Lips; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Solberg; Stenehjelm; Streibel; Tennefos; Thane; Traynor

SB 2407 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SB 2414: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 668 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2414: A BILL for an Act to create and enact a new section to chapter 52-04 of the North Dakota Century Code, relating to a job service rural outreach program; to provide an appropriation; 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 33 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Graba; Hanson, E.; Heigaard; Heinrich; Ingstad; Jerome; Keller; Kelly; Kesh; Kinnoin; Krebsbach; Langley; Lindaas; Mathern; Maxson; Meyer; Mushik; Nalewaja; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjelm; Streibel; Tallackson; Thane; Tomac; Traynor; Wogsland

NAYS: David; Evanson; Freborg; Goetz; Hanson, O.; Holmberg; Krauter; Lindgren; Lips; Marks; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Solberg; Tennefos; Vosper; Yockim

SB 2414 passed and the title was agreed to.

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MOTIONS

SEN. WOGSLAND MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

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

SEN. WOGSLAND MOVED that the vote by which SB 2009, SB 2015, SB 2017, SB 2206, SB 2279, SB 2305, SB 2359, SB 2362, SB 2376, SB 2435, SB 2455, SB 2457, SB 2485, SB 2489, SB 2492, SB 2509, SB 2531, SB 2533, SB 2551, SB 2025, SB 2259, SB 2450, SB 2006, SB 2008, SB 2011, SB 2012, SB 2018, SB 2020, SB 2021, SB 2028, SB 2029, SB 2032, SB 2070, SB 2093, SB 2146, SB 2250, SB 2375, SB 2397, SB 2407, and SB 2414 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. WOGSLAND MOVED that the rules be suspended and that SB 2009, SB 2015, SB 2017, SB 2206, SB 2279, SB 2305, SB 2359, SB 2362, SB 2376, SB 2435, SB 2455, SB 2457, SB 2485, SB 2489, SB 2492, SB 2509, SB 2531, SB 2533, SB 2551, SB 2025, SB 2259, SB 2450, SB 2006, SB 2008, SB 2011, SB 2012, SB 2018, SB 2020, SB 2021, SB 2028, SB 2029, SB 2032, SB 2070, SB 2093, SB 2146, SB 2250, SB 2375, SB 2397, SB 2407, and SB 2414 be messaged to the House immediately, which motion prevailed.

SEN. WOGSLAND MOVED that the vote by which SB 2026, SB 2027, SB 2165, SB 2176, SB 2246, SB 2254, SB 2255, SB 2265, SB 2362, SB 2371, SB 2379, SB 2382, SB 2394, SB 2402, SB 2422, SB 2441, SB 2442, SB 2453, SB 2536,

SB 2552, SB 2565, and SB 2420 lost be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2483: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ pages 669-670 be adopted with DO PASS, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that the Senate vote on SB 2483 no later than 1:30 p.m., which motion prevailed.

SECOND READING OF SENATE BILL

SB 2483: A BILL for an Act to provide for a state bison herd and interpretive center.

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

YEAS: David; Dotzenrod; Evanson; Freborg; Goetz; Graba; Heigaard; Holmberg; Ingstad; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaaja; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Bowman; DeKrey; Hanson, E.; Hanson, O.; Heinrich; Keller; Langley; Meyer; Moore; Mutch; Solberg; Streibel; Tennesfos

SB 2483 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SB 2500: SEN. Tallackson (Committee on Appropriations) MOVED that the amendments on SJ page 670 be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2500: 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 of projects at institutions of higher education; and to provide an appropriation.

REQUEST

SEN. NOTHING REQUESTED that the Senate divide Engrossed SB 2500, which request was granted.

Division I:	Bismarck state college	Science center	\$ 6,500,000
Division II:	North Dakota state university	Animal health and biotechnology center	5,000,000
Division III:	University of North Dakota	Communications building and old science building remodeling	10,000,000
Division IV:	Dickinson state university	Physical education/multipurpose classroom facility	7,000,000

## ROLL CALL

The question being on the adoption of Division I of Engrossed SB 2500, the roll was called and there were 27 YEAS, 26 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Evanson; Goetz; Graba; Heinrich; Holmberg; Ingstad; Keller; Kelly; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Meyer; Mushik; Nalewaja; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjerm; Tallackson; Thane; Traynor

NAYS: Bowman; David; DeKrey; Dotzenrod; Freborg; Hanson, E.; Hanson, O.; Heigaard; Jerome; Kelsh; Kinnoin; Langley; Maxson; Moore; Mutch; Naaden; Nelson; Nething; O'Connell; Solberg; Streibel; Tennefos; Tomac; Vosper; Wogsland; Yockim

Division I of Engrossed SB 2500 passed.

## ROLL CALL

The question being on the adoption of Division II of Engrossed SB 2500, the roll was called and there were 25 YEAS, 28 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Evanson; Goetz; Graba; Holmberg; Ingstad; Kelly; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Meyer; Nalewaja; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjerm; Tallackson; Tennefos; Thane; Traynor

NAYS: Bowman; David; DeKrey; Dotzenrod; Freborg; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Jerome; Keller; Kelsh; Kinnoin; Krauter; Maxson; Moore; Mushik; Mutch; Naaden; Nelson; Nething; O'Connell; Solberg; Streibel; Tomac; Vosper; Wogsland; Yockim

Division II of Engrossed SB 2500 lost.

## ROLL CALL

The question being on the adoption of Division III of Engrossed SB 2500, the roll was called and there were 22 YEAS, 31 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: David; Evanson; Goetz; Graba; Holmberg; Ingstad; Kelly; Krebsbach; Lindaas; Lindgren; Lips; Mathern; Nalewaja; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjerm; Tallackson; Thane; Traynor

NAYS: Bowman; DeKrey; Dotzenrod; Freborg; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Jerome; Keller; Kelsh; Kinnoin; Krauter; Langley; Marks; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nelson; Nething; O'Connell; Solberg; Streibel; Tennefos; Tomac; Vosper; Wogsland; Yockim

Division III of Engrossed SB 2500 lost.

## ROLL CALL

The question being on the adoption of Division IV of Engrossed SB 2500, the roll was called and there were 25 YEAS, 28 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; Evanson; Goetz; Graba; Holmberg; Ingstad; Keller; Kelly; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Meyer; Nalewaja; Nething; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjerm; Tallackson; Thane; Traynor

NAYS: David; DeKrey; Dotzenrod; Freborg; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Jerome; Kelsh; Kinnoin; Langley; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nelson; O'Connell; Solberg; Streibel; Tennefos; Tomac; Vosper; Wogsland; Yockim

Division IV of Engrossed SB 2500 lost.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 25 YEAS, 28 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Evanson; Goetz; Graba; Heinrich; Holmberg; Ingstad; Keller; Kelly; Kinnoin; Krebsbach; Lindgren; Lips; Marks; Mathern; Meyer; Mushik; Nalewaja; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Thane; Traynor

NAYS: Bowman; David; DeKrey; Dotzenrod; Freborg; Hanson, E.; Hanson, O.; Heigaard; Jerome; Kelsh; Krauter; Langley; Lindaas; Maxson; Moore; Mutch; Naaden; Nelson; Nething; O'Connell; Peterson; Solberg; Streibel; Tennefos; Tomac; Vosper; Wogsland; Yockim

SB 2500 lost.

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## CONSIDERATION OF AMENDMENTS

SB 2568: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 671 be adopted and then be placed on the CALENDAR WITHOUT RECOMMENDATION, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2568: A BILL for an Act to provide state-funded endowments for institutions of higher education; 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 16 YEAS, 37 NAYS, 1 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Evanson; Holmberg; Ingstad; Kelly; Krebsbach; Lindgren; Mathern; Nalewaja; Nething; O'Connell; Peterson; Robinson; Stenehjem; Tallackson; Tennefos; Traynor

NAYS: Bowman; David; DeKrey; Dotzenrod; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Jerome; Keller; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Marks; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nelson; Redlin; Satrom; Schoenwald; Solberg; Streibel; Thane; Tomac; Vosper; Wogsland; Yockim

SB 2568 lost.

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## CONSIDERATION OF AMENDMENTS

SB 2448: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ pages 668-669 be adopted with DO PASS, which motion prevailed on a verification vote.

## SECOND READING OF SENATE BILL

SB 2448: A BILL for an Act relating to library authorities; 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 27 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Evanson; Graba; Hanson, E.; Heinrich; Ingstad; Jerome; Keller; Kelly; Krebsbach; Lips; Marks; Mathern; Maxson; Meyer; Mushik; Nelson; Nething; Redlin; Robinson; Satrom; Schoenwald; Solberg; Tallackson; Tennefos; Traynor; Yockim; President Omdahl

**NAYS:** Bowman; David; DeKrey; Dotzenrod; Freborg; Goetz; Hanson, O.; Heigaard; Holmberg; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lindgren; Moore; Naaden; Nalewaja; O'Connell; Peterson; Stenehjelm; Streibel; Thane; Tomac; Vosper; Wogsland

**ABSENT AND NOT VOTING:** Mutch

SB 2448 passed and the title was agreed to.

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#### MOTIONS

**SEN. WOGSLAND MOVED** that SB 2003 be placed at the top of the Sixth order, which motion prevailed.

**SEN. O'CONNELL MOVED** that SB 2003 be amended in lieu of the amendments to SB 2003:

In lieu of the amendments recommended by the Senate Appropriations Committee, Senate Bill No. 2003 is amended as follows:

Page 1, line 22, replace "8,699,287" with "8,695,920"

Page 2, line 1, replace "597,314" with "600,114"

Page 2, line 2, replace "4,072,543" with "4,080,883"

Page 2, line 3, replace "428,318" with "432,318"

Page 2, line 8, replace "79,697,206" with "78,608,646"

Page 2, line 9, replace "8,236,500" with "5,071,225"

Page 2, line 10, replace "564,776,705" with "560,534,643"

Page 2, line 12, replace "423,916,775" with "419,674,713"

Page 3, line 2, replace "1,397,112" with "1,439,982"

Page 3, line 4, replace "976,064" with "1,106,064"

Page 3, line 6, replace "984,310" with "1,050,000"

Page 3, line 7, replace "3,445,095" with "3,683,655"

Page 3, line 9, replace "2,450,610" with "2,689,170"

Page 4, line 2, replace "446,194,585" with "442,241,083"

Page 4, line 3, replace "155,657,708" with "155,707,708"

Page 4, line 4, replace "601,852,293" with "597,948,791"

Page 4, line 13, replace "APPROPRIATION" with "DISPLACED HOME MAKERS"

Page 4, line 15, replace "is hereby appropriated" with "may be spent" and remove "to the"

Page 4, line 16, remove "department of public instruction"

Page 4, line 19, replace "APPROPRIATION" with "TELECOMMUNICATIONS"

Page 4, line 21, replace "is hereby appropriated" with "may be spent, notwithstanding the provisions of chapter 15-60 of the North Dakota Century Code,"

Page 4, line 22, remove "to the department of public instruction"

Page 4, line 24, remove "appropriated"

Page 5, line 4, replace "934,310" with "1,000,000"

Page 6, line 6, replace "APPROPRIATION" with "ADULT FARM MANAGEMENT" and replace "There is" with "The"

Page 6, line 7, remove "hereby appropriated the"

Page 6, line 8, after the first comma insert "as included in subdivision 2 of section 1 of this Act, is" and remove ", to the board for"

Page 6, line 9, remove "vocational education,"

Page 6, after line 10, insert:

"SECTION 12. APPROPRIATION - GEOGRAPHIC EDUCATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much thereof as may be necessary, and the sum of \$50,000 from other funds, or so much thereof as may be necessary, derived from the national geographic society to the department of public instruction for the North Dakota geographic alliance for the biennium beginning July 1, 1991, and ending June 30, 1993. The amount from the general fund shall not be spent unless the matching amount from the national geographic society has become available.

SECTION 13. LEGISLATIVE INTENT. It is the intent of the 1991 legislative assembly that the line items entitled BSC vocational grant, UND-LR vocational grant, and UND-W vocational grant in subdivision 2 of section 1 of this Act are vocational program funds which shall be distributed on an equal monthly basis to the respective colleges during the 1991-93 biennium."

Re-number accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

In total, the amendments decrease the general fund appropriation in Senate Bill No. 2003 by \$3,953,502 and increase the other funds by \$50,000.

#### DEPARTMENT 201 - DEPARTMENT OF PUBLIC INSTRUCTION

The amendments add \$83,216 from the general fund for one FTE teacher program approval coordinator. Of the \$83,216, \$68,076 is in salaries, \$2,800 in information services, \$8,340 in operating expenses, and \$4,000 in equipment.

Salaries and wages are reduced by \$71,443 from the general fund to delete funding for one of the three restructuring telecommunications coordinators added in the executive budget.

The grants line item is decreased by a net amount of \$1,088,560 from the general fund as follows:

Adult basic education	\$ 200,000	(increased from \$600,000 to \$800,000)
Telecommunications	<del>\$(1,288,560)</del>	(decreased from \$5,804,815 to \$4,516,255)
	\$ (1,088,560)	

The school restructuring line is reduced by \$3,165,275 from the general fund, from \$8,236,500 to \$5,071,225 (all general fund). Funding is adequate for year 1 payments of \$165, year 2 and 3 payments of \$150, operating expenses of \$160,000, and planning grants of \$120,000. Any funds not spent for the above purposes are to be used for "paired" relationships.

A separate section is added appropriating \$50,000 from the general fund and \$50,000 of funds to be received from the National Geographic Society for the North Dakota Geographic Alliance. The Geographic Alliance is to develop a program to improve the quality of geographic instruction in grades kindergarten through 12. The general fund money can be spent only if a matching amount is received from the National Geographic Society.

#### DEPARTMENT 250 - STATE LIBRARY

Salaries and wages are increased by \$42,870 from the general fund to provide funding for one FTE volunteer coordinator for the Dakota Radio Information Service (DRIS).

Operating expenses are increased by \$130,000 from the general fund, \$50,000 for books and library materials and \$80,000 for the MINITEX resource sharing contract.

The grants line item is increased by \$65,690 from the general fund for state aid to public libraries.

The total addition to the State Library is \$238,560 from the general fund.

#### DEPARTMENT 270 - BOARD FOR VOCATIONAL EDUCATION

A section of legislative intent is added to provide that the total amount of grants that each higher education institution receives is distributed in a like amount for each month of the biennium.

Sections 3, 4, and 11 are amended to remove unnecessary appropriation language since the appropriations are already included in Section 1 of the bill.

#### REQUEST

SEN. KINNOIN REQUESTED a recorded roll call vote on the motion to adopt the "in lieu of" proposed amendments to SB 2003, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2003, the roll was called and there were 12 YEAS, 41 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Graba; Heinrich; Kelsh; Kinnoin; Langley; Marks; Maxson; O'Connell; Redlin; Robinson; Solberg; Tallackson

NAYS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Hanson, E.; Hanson, O.; Heigaard; Holmberg; Ingstad; Jerome; Keller; Kelly; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Mathern; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Peterson; Satrom; Schoenwald; Stenehjem; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

The proposed amendments to SB 2003 lost.

#### CONSIDERATION OF AMENDMENTS

SB 2003: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ pages 651-653 be adopted with DO PASS, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2003: A BILL for an Act to provide an appropriation for defraying the expenses of the department of public instruction, the state board of vocational education, the school for the deaf, the school for the blind, and the state library; to provide for an appropriation of funds from the displaced homemaker fund and state school construction fund; to amend and reenact sections 15-21-02 and 15-65-05 of the North Dakota Century Code, relating to the salary of the superintendent of public instruction and matching funds of school districts for

telecommunication grants; and to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 53 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Ootzenrod; 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; Traynor; Vosper; Wogsland; Yockim

SB 2003 passed and the title was agreed to.

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#### MOTIONS

SEN. YOCKIM MOVED that the vote by which SB 2448 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. WOGSLAND MOVED that the rules be suspended and that SB 2448 be messaged to the House immediately, which motion prevailed.

SEN. YOCKIM MOVED that the vote by which SB 2448 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2024: A BILL for an Act to create and enact a new section to chapter 35-17, a new section to chapter 35-30, a new section to chapter 35-31, and a new section to chapter 41-09 of the North Dakota Century Code, relating to the destruction of certain lien documents and facsimile filing; to amend and reenact sections 11-18-14, 35-05-04, 35-17-03, 35-17-04, 35-30-01, 35-30-02, 35-31-02, subsections 9 and 12 of section 41-09-28, sections 41-09-28.1, 41-09-40, 41-09-41, subdivision a of subsection 5 and subsection 8 of section 41-09-42, and sections 41-09-42.1, 41-09-43, and 41-09-46 of the North Dakota Century Code, relating to the destruction of agister's liens, the establishment of a computerized central notice system and the computerized Uniform Commercial Code central filing system fund, and the filing of security interests and liens; to repeal section 35-17-05 and subsection 10 of section 41-09-28 of the North Dakota Century Code, relating to information to be filed with the secretary of state regarding agister's liens; to provide a penalty; to provide an effective date; and to declare an emergency.

#### ROLL CALL

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

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; 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; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Goetz

SB 2024 passed, the title was agreed to, and the emergency clause carried.

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## SECOND READING OF SENATE BILL

SB 2451: A BILL for an Act to create and enact a new section to chapter 19-18 of the North Dakota Century Code, relating to the environment and rangeland protection fund; to amend and reenact section 19-18-04 of the North Dakota Century Code, relating to registration of pesticides; and to provide an appropriation.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 38 YEAS, 15 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Ingstad; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Meyer; Moore; Nething; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: David; Evanson; Holmberg; Kelly; Lindgren; Mushik; Mutch; Naaden; Nalewaja; Nelson; Peterson; Solberg; Streibel; Tennefos; Thane

SB 2451 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2009, SB 2015, SB 2017, SB 2206, SB 2279, SB 2305, SB 2359, SB 2362, SB 2376, SB 2435, SB 2455, SB 2457, SB 2485, SB 2489, SB 2492, SB 2509, SB 2531, SB 2533, SB 2551.

## MOTIONS

SEN. WOGSLAND MOVED that the Senate stand in recess until 3:25 p.m., which motion prevailed.

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

SEN. WOGSLAND MOVED that SB 2001 be moved to the bottom of the Eleventh order, which motion prevailed.

SEN. HEIGAARD MOVED that SB 2005 be amended as follows:

Page 1, line 2, after "department" insert "; and providing for transfers"

Page 1, line 16, replace "275,000" with "2,116,230"

Page 1, line 17, replace "3,957,460" with "2,116,230"

Page 1, after line 17, insert:

"SECTION 2. TRANSFER. There is hereby authorized the transfer to the state radio communications operating account the sum of \$1,288,861, or so much thereof as is necessary, included in the estimated income line item in section 1 of this Act from the state highway fund for the use of state radio communications services. Such moneys shall be transferred during the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 3. TRANSFER. There is hereby authorized the transfer to the state radio communications operating account the sum of \$552,369, or so much thereof as is necessary, included in the estimated income line item in section 1 of this Act from the game and fish fund for the use of state radio communications services. Such moneys shall be

transferred during the biennium beginning July 1, 1991, and ending June 30, 1993."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 506 - RADIO COMMUNICATIONS DEPARTMENT

This amendment provides that the estimated income line item be increased by \$1,841,230 by transfers from the state highway special fund (\$1,288,861) and the game and fish fund (\$552,369) for the use of State Radio Communications services. This amendment reduces the general fund appropriation by \$1,841,230.

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

SECOND READING OF SENATE BILL

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 amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; 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; Meyer; Moore; Mushik; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjsem; Streibel; Tallackson; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Tennefos

ABSENT AND NOT VOTING: Dotzenrod; Mathern; Mutch; Naaden

SB 2005 passed and the title was agreed to.

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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 and has committee recommendation of DO NOT PASS, the roll was called and there were 19 YEAS, 34 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: David; DeKrey; Dotzenrod; Hanson, E.; Hanson, O.; Heigaard; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Meyer; Moore; Naaden; Satrom; Streibel; Tallackson; Tomac; Wogsland

NAYS: Bowman; Evanson; Freborg; Goetz; Graba; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Krebsbach; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Schoenwald; Solberg; Stenehjsem; Tennefos; Thane; Traynor; Vosper; Yockim

SB 2077 lost.

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MOTIONS

SEN. WOGSLAND MOVED that SCR 4009, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SEN. WOGSLAND MOVED that the vote by which SB 2500, SB 2568, and SB 2077 lost be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. WOGSLAND MOVED that the vote by which SB 2483, SB 2451, SB 2005, and SB 2003 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. WOGSLAND MOVED that the rules be suspended and that SB 2483, SB 2024, SB 2451, SB 2005, and SB 2003 be messaged to the House immediately, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2019: A BILL for an Act making an appropriation for defraying the expenses of the workers compensation bureau and its divisions.

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 53 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Traynor; Vosper; Wogsland; Yockim

SB 2019 passed and the title was agreed to.

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SB 2053: 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 eligibility requirements; and to provide an appropriation.

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 8 YEAS, 44 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Evanson; Kelsh; Kinnoin; Krauter; Mathern; Nalewaja; O'Connell; Tomac

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

ABSENT AND NOT VOTING: Langley

SB 2053 lost.

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SB 2055: A BILL for an Act to create and enact section 57-39.2-26.2 of the North Dakota Century Code, relating to allocation of sales tax revenues on lodging accommodations to the tourism promotion fund; to provide an appropriation; and to provide an effective date.

ROLL CALL

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

NAYS: Bowman; 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; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjøm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: David; Heigaard

SB 2055 lost.

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SB 2056: A BILL for an Act to establish a matching grant program for tourism promotion and development in the state; and to provide an appropriation.

ROLL CALL

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

NAYS: Bowman; 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; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjøm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: David; Heigaard

SB 2056 lost.

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SB 2079: A BILL for an Act to establish a program of internal auditing for state agencies, departments, and institutions.

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 6 YEAS, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Kinnoin; Lips; O'Connell; Tennefos

NAYS: Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjøm; Streibel; Tallackson; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: David; Naaden

SB 2079 lost.

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SB 2119: A BILL for an Act to amend and reenact section 55-08-07.2 of the North Dakota Century Code, relating to the use of the state parks and recreation department gift 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 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; Kels; 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; Stenehj; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Naaden

SB 2119 passed and the title was agreed to.

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SB 2126: A BILL for an Act to create and enact subsection 15 to section 57-01-02 of the North Dakota Century Code, relating to authorizing the tax commissioner to require payments of twenty-five thousand dollars or more due on a return, report, or other document to be paid by a method in which the funds are immediately available to the state, requiring a taxpayer to provide the tax commissioner with evidence of the payment, providing for penalties and interest on late payments, authorizing the tax commissioner to establish later due dates, authorizing the tax commissioner to promulgate rules necessary for the administration of this payment method; 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 and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Ingstad; Moore; Solberg

SB 2126 passed and the title was agreed to.

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MOTION

SEN. LIPS MOVED that Engrossed SB 2211 be amended as follows:

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

Page 9, remove lines 12 through 17

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendments remove the \$250,000 appropriation from the game and fish fund for making wetlands tax exemption payments.

## REQUEST

SEN. LIPS REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2211, which request was granted.

## ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2211, the roll was called and there were 18 YEAS, 35 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Evanson; Goetz; Graba; Heinrich; Holmberg; Ingstad; Kelly; Lindgren; Lips; Mathern; Mushik; Peterson; Redlin; Robinson; Satrom; Stenehjem; Thane; Traynor

NAYS: Bowman; David; DeKrey; Dotzenrod; Freborg; Hanson, E.; Hanson, O.; Heigaard; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Marks; Maxson; Meyer; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Schoenwald; Solberg; Streibel; Tallackson; Tennefos; Tomac; Vosper; Wogsland; Yockim

The proposed amendments to Engrossed SB 2211 lost.

## SECOND READING OF SENATE BILLS

SB 2211: A BILL for an Act to amend and reenact sections 57-02-08.1, 57-02-08.4, 57-02-08.5, 57-02-11, and 57-61-10 of the North Dakota Century Code, relating to the property tax credits for persons sixty-five years of age or older with limited income, to the conditional property tax exemption for owners of wetlands and the wetlands tax exemption payment, to the assessment of property that has been damaged, and to money collected and paid to the coal development fund; and to provide an appropriation.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 39 YEAS, 14 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Goetz; Heinrich; Holmberg; Ingstad; Lips; Marks; Nething; Peterson; Redlin; Robinson; Satrom; Stenehjem; Thane; Yockim

SB 2211 passed and the title was agreed to.

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SB 2225: A BILL for an Act providing for an appropriation for native American curriculum development.

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

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Freborg; 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; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: David; Goetz; Solberg

SB 2225 passed and the title was agreed to.

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MOTION

SEN. YOCKIM MOVED that SB 2312 be amended as follows:

Page 1, line 1, replace "maintain, develop, and" with "prepare master plans for the"

Page 1, line 2, remove "interpret"

Page 1, line 8, replace "maintain, develop, and interpret" with "prepare master plans for the"

Page 1, replace lines 12 through 22 with:

"Fort Totten master plan	\$25,000
Fort Buford master plan	25,000
Fort Seward master plan	<u>25,000</u>
Total general fund appropriation	\$75,000"

Page 2, remove lines 1 through 3

Reumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 701 - HISTORICAL SOCIETY

This amendment provides \$75,000 from the general fund to the State Historical Society to prepare master plans for Fort Totten, Fort Buford, and Fort Seward historic sites and eliminates the \$1,619,695 general fund appropriation for maintenance and improvements at the sites.

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

MOTION

SEN. WOGSLAND MOVED that SB 2312 be moved to the bottom of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2346: A BILL for an Act to create and enact a new section to chapter 54-35.2 of the North Dakota Century Code, relating to administration and provision of planning grants to county and city governments for plans that are intended to improve the efficiency of local government; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 40 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: DeKrey; Hanson, O.; Kinnoin; Krebsbach; Meyer; Mutch; Naaden; Nelson; Nething; Solberg; Streibel; Vosper

ABSENT AND NOT VOTING: David

SB 2346 passed and the title was agreed to.

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## SECOND READING OF SENATE BILL

SB 2515: A BILL for an Act to provide for work force development programs; and to provide an appropriation.

## REQUEST

SEN. HEIGAARD REQUESTED that the Senate divide SB 2515, which request was granted.

DIVISION I - Pages 1, 2, 3, and 4

DIVISION II - Page 5, section 7

## ROLL CALL

The question being on the final adoption of Division I of SB 2515, 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; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Moore; Solberg

ABSENT AND NOT VOTING: Kelsh; Naaden

Division I of SB 2515 passed.

## ROLL CALL

The question being on the final adoption of Division II of SB 2515, the roll was called and there were 2 YEAS, 49 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Graba; Keller

NAYS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Kelly; 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; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Kelsh; Naaden

Division II of SB 2515 lost.

## MOTION

SEN. SATROM MOVED that Engrossed SB 2001 be amended as follows.

## REQUEST

SEN. TOMAC REQUESTED that the Senate divide the proposed amendments to Engrossed SB 2001, which request was granted.

## DIVISION I

Page 5, line 14, replace "2,743,728" with "3,281,873"

Page 5, line 15, replace "3,730,768" with "3,192,623"

Page 11, after line 12, insert:

"SECTION 28. ENVIRONMENT AND RANGELAND PROTECTION FUND - AGRICULTURE COMMISSIONER. The estimated income line item in subdivision 10 of section 1 of this Act includes \$538,145 from the environment and rangeland protection fund for the purpose of providing funds for the noxious weed program of the department."

#### DIVISION II

Page 2, line 21, replace "1,213,297" with "1,000,338"

Page 2, line 22, replace "200,000" with "27,100"

Page 2, line 23, replace "376,600" with "330,390"

Page 2, line 24, replace "61,200" with "56,600"

Page 2, line 27, replace "2,179,640" with "1,742,971"

Page 5, line 23, replace "39,343,198" with "38,368,384"

Page 5, line 24, replace "22,767,015" with "23,305,160"

Page 5, line 25, replace "62,110,213" with "61,673,544"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### DEPARTMENT 108 - SECRETARY OF STATE

This amendment reduces funding for the Secretary of State by \$436,669 from the general fund, from \$2,179,640 to \$1,742,971, because Senate Bill No. 2024 includes a continuing appropriation for the expenditure of special funds relating to a computerized central notice system.

The question being on the adoption of Division I of the proposed amendments to SB 2001.

Division I of the proposed amendments to SB 2001 lost on a verification vote.

The question being on the adoption of Division II of the proposed amendments to SB 2001.

Division II of the proposed amendments to SB 2001 were adopted.

#### SECOND READING OF SENATE BILL

SB 2001: A BILL for an Act making an appropriation for defraying the expenses of various elected state officials; to amend and reenact sections 4-01-21, 26.1-01-09, 34-05-01.2, 49-01-05, 54-07-04, 54-08-03, 54-09-05, 54-10-10, 54-11-13, 54-12-11, and 57-01-04 of the North Dakota Century Code, relating to the salaries of the commissioner of agriculture, commissioner of insurance, commissioner of labor, public service commissioners, governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, and tax commissioner; and to provide a statement of legislative intent.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 53 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Traynor; Vosper; Wogsland; Yockim

SB 2001 passed and the title was agreed to.

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ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 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; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Moore; Solberg

ABSENT AND NOT VOTING: Kelsh; Naaden

SB 2515 passed and the title was agreed to.

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SECOND READING OF SENATE BILL

SB 2527: A BILL for an Act to provide loans to medical students and to waive loan repayments for medical doctors who practice in North Dakota and who are members of the North Dakota national guard; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 42 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Ingstad; Kinnoin; Moore; Nalewaja; O'Connell; Solberg; Tennefos

NAYS: David; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelly; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Mushik; Mutch; Naaden; Nelson; Nething; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Tallackson; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Kelsh

SB 2527 lost.

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SECOND READING OF SENATE BILL

SB 2541: A BILL for an Act to amend and reenact subsection 1 of section 53-06.1-06 of the North Dakota Century Code, relating to persons permitted to conduct games of chance.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 23 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Dotzenrod; Hanson, E.; Heigaard; Heinrich; Ingstad; Keller; Kelly; Kelsh; Kinnoin; Langley; Lindaas; Lindgren; Lips; Maxson; Meyer; Satrom; Schoenwald; Stenehjem; Tallackson; Thane; Traynor; Yockim

**NAYS:** David; DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, O.; Holmberg; Krauter; Krebsbach; Marks; Mathern; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Solberg; Streibel; Tennefos; Tomac; Vosper; Wogsland

**ABSENT AND NOT VOTING:** Jerome

SB 2541 lost.

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**REQUEST**

SEN. WOGSLAND REQUESTED that his vote be changed from "Yea" to "Nay" for the purpose of reconsideration, which request was granted.

**MOTIONS**

SEN. WOGSLAND MOVED that SB 2312 be placed after SB 2016 on the calendar, which motion prevailed.

SEN. WOGSLAND MOVED that pursuant to Senate Rule 507 that SB 2170, SB 2168, SB 2069, SB 2034, SB 2277, SB 2002, SB 2054, SB 2022, SB 2258, SB 2384, SB 2016, SB 2561, and SB 2522 be brought back from committee and put on the Sixth order of business, which motion prevailed.

SEN. WOGSLAND MOVED that the Senate reconsider its action whereby SB 2541 failed to pass, which motion prevailed on a verification vote.

SEN. WOGSLAND MOVED that SB 2541 be placed at the top of the Eleventh order, which motion prevailed.

**SECOND READING OF SENATE BILL**

SB 2541: A BILL for an Act to amend and reenact subsection 1 of section 53-06.1-06 of the North Dakota Century Code, relating to persons permitted to conduct games of chance.

**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, 22 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Dotzenrod; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lindgren; Lips; Maxson; Meyer; Nalewaja; O'Connell; Robinson; Satrom; Schoenwald; Tallackson; Thane; Tomac; Wogsland; Yockim

**NAYS:** David; DeKrey; Evanson; Freborg; Hanson, O.; Krebsbach; Marks; Mathern; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Peterson; Redlin; Solberg; Stenehjem; Streibel; Tennefos; Traynor; Vosper

SB 2541 passed and the title was agreed to.

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**REPORT OF STANDING COMMITTEE**

SB 2170: 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 1, remove "subsection 7 of section 55-02-01 2 and"

Page 1, line 2, remove "duties of the"

Page 1, line 3, remove "superintendent of the state historical society and"

Page 1, remove lines 6 through 10

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 743 - HISTORICAL SOCIETY

This amendment removes the section of the bill that would have allowed the Historical Society to charge fees for entrance or use of museum exhibition rooms at the Heritage Center.

CONSIDERATION OF AMENDMENTS

SB 2170: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2170: A BILL for an Act to amend and reenact subsection 7 of section 55-02-01.2 and section 55-02-04 of the North Dakota Century Code, relating to duties of the superintendent of the state historical society and establishment and disposition of fees for use of facilities.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 53 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Traynor; Vosper; Wogsland; Yockim

SB 2170 passed and the title was agreed to.

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REPORT OF STANDING COMMITTEE

SB 2168: 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 3, after "sessions" insert "; and providing an appropriation"
- Page 1, line 7, remove "certain"
- Page 1, line 8, remove "nonfederal" and remove "legislative"
- Page 1, line 9, replace "with consideration of" with "upon the", replace "from" with "of", and after "budget" insert "and within the limits of legislative appropriation for approval under this section"
- Page 1, line 12, replace "except institutional income or federal funds" with "not otherwise appropriated by the legislative assembly"
- Page 1, line 13, remove "not appropriated by the legislative assembly,"
- Page 1, line 14, remove "The"
- Page 1, remove line 15
- Page 1, line 16, remove "of the receiving agency."
- Page 1, line 19, remove "The authorization of these"

Page 1, replace lines 20 through 22 with:

"SECTION 2. APPROPRIATION. Under section 1 of this Act, the emergency commission may approve amounts not exceeding in total for all of state government \$10,000,000, which moneys are hereby appropriated for the biennium beginning July 1, 1991, and ending June 30, 1993. The moneys are those not otherwise appropriated and for which approval to receive and expend is requested pursuant to section 1 of this Act. The office of management and budget must report to the budget section at such times as it may meet on the receipt and expenditure of funds approved by this section."

Renumber accordingly

CONSIDERATION OF AMENDMENTS

SB 2168: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2168: A BILL for an Act to create and enact a new section to chapter 54-16 of the North Dakota Century Code, relating to emergency commission authorization for acceptance and expenditure of funds received between legislative sessions.

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.; 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; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Heigaard

SB 2168 passed and the title was agreed to.

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REPORT OF STANDING COMMITTEE

SB 2069: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 6, overstrike "fair value" and insert immediately thereafter "cost"

Page 2, line 7, overstrike "plus actual costs incurred"

Page 2, line 9, replace "Except for an occupational or professional" with "This charge may be reduced for any agency that receives and expends both general fund and nongeneral fund moneys. The state auditor shall require any agency in the executive branch of government, which includes an institution of higher education, to pay for a contract for the audit or review of that agency. Except for an audit or review of an occupational or professional board, the state auditor shall execute"

Page 2, remove lines 10 through 17

Page 2, line 18, remove "and pay for"

Page 2, remove lines 28 and 29

Page 3, remove lines 1 through 6

Page 3, line 7, remove the overstrike over "3-", remove "4.", and overstrike "Prepare annually a report identifying all outstanding bonds and"

Page 3, line 8, overstrike "other evidences of indebtedness of the state" and overstrike ". The"

Page 3, overstrike lines 9 through 11

Page 3, line 12, overstrike "when preparing the report." and insert immediately thereafter "Perform or provide for performance audits of state agencies as determined necessary by the state auditor or the legislative audit and fiscal review committee. A performance audit must include reviewing elements of compliance, economy and efficiency, and program results to determine whether an agency is complying with applicable laws and legislative intent and is managing its resources efficiently, and whether the agency's programs are achieving desired results."

Page 3, line 13, remove the overstrike over "4-" and remove "5."

Page 3, line 16, remove the overstrike over "5-" and remove "6."

Reumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

The amendments provide that the State Auditor's charges are to be the actual cost of the audit rather than its fair value.

A provision requiring the State Auditor to pay the contract costs of a private accounting firm audit rather than the audited state agency is removed.

Also, language in present law is overstruck to remove the requirement that the State Auditor prepare an annual state outstanding indebtedness report. This information will be included in the state's comprehensive annual financial report.

#### CONSIDERATION OF AMENDMENTS

SB 2069: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments be adopted with DO PASS, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2069: A BILL for an Act to amend and reenact section 54-10-01 of the North Dakota Century Code, relating to the powers and duties of the state auditor; and to provide for a transition period.

#### 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 EXCUSE, 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; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Stenehjem

SB 2069 passed and the title was agreed to.

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## REPORT OF STANDING COMMITTEE

SB 2034, 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, line 24, overstrike "for a period not to exceed three years"

Page 3, line 25, overstrike "from one hundred twenty-five to"

Page 3, line 27, after "districts" insert "for the first year of participation, one hundred twenty-five dollars for each full-time equivalent pupil in average daily membership the previous year in the participating school districts for the second year of participation, and eighty-five dollars for each full-time equivalent pupil in average daily membership the previous year in the participating school districts for the third year of participation"

Page 3, remove lines 28 and 29

Page 4, remove line 1

Page 4, line 2, remove "third-year cooperative plan."

Page 4, line 6, overstrike "maximum"

Page 4, remove the overstrike over lines 11 and 12

Page 4, line 13, remove the overstrike over "~~newly formed school district is eligible to receive~~" and after "the" insert "a"

Page 4, line 14, remove the overstrike over "supplemental pupil payment" and insert immediately thereafter "in the amount of eighty-five dollars per pupil", remove the overstrike over "for an additional period of", and after "years" insert "one year"

Page 4, remove the overstrike over lines 15 through 17

Page 8, line 24, after "payment" insert "provided for in section 5 of this Act" and replace "two years" with "one year"

Page 9, line 25, remove "planning grants"

Page 9, line 26, remove "and"

Page 10, line 10, remove "Purchaser districts not"

Page 10, remove lines 11 through 13

Page 10, line 14, remove "payment under the program."

Page 11, line 26, replace "one hundred sixty-five" with "up to eighty-five"

Re-number accordingly

## CONSIDERATION OF AMENDMENTS

SB 2034, as engrossed: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments be adopted with DO PASS, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2034: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 15-27.6-04, a new chapter to title 15 of the North Dakota Century Code, and five new sections to chapter 15-27.6 of the North Dakota Century Code, relating to duties of interim district boards, cooperative arrangements for purchasing educational services, and the reorganization of restructured school districts; and to amend

and reenact sections 15-27.1-01, 15-27.1-02, subdivision d of subsection 1 of section 15-27.6-04, and section 15-27.6-05 of the North Dakota Century Code, relating to the reorganization of restructured school districts and eligibility for supplemental pupil payments.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 39 YEAS, 14 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Bowman; David; DeKrey; Hanson, D.; Kinnoin; Marks; Moore; Mutch; Naaden; Nething; Solberg; Streibel; Tennefos; Vosper

SB 2034 passed and the title was agreed to.

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## REPORT OF STANDING COMMITTEE

SB 2277: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 4, remove "subsection 5 of section 54-44.1-03 and"

Page 1, line 15, replace "paid" with "fund"

Page 2, remove lines 5 through 14

Page 2, line 26, remove "Any allotment"

Page 2, remove line 27

Page 3, line 15, after "section" insert "before any allotments are made"

Page 3, line 16, remove "The budget section may increase or decrease"

Page 3, remove line 17

Page 3, line 27, remove ". subject to"

Page 3, line 28, remove "the approval of the budget section of the legislative council"

Page 4, line 1, after "elimination" insert "before any reduction or elimination"

Page 4, line 4, remove "The budget section may increase or decrease the"

Page 4, remove line 5

Reumber accordingly

## CONSIDERATION OF AMENDMENTS

SB 2277: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments be adopted with DO NOT PASS, which motion prevailed

## SECOND READING OF SENATE BILL

SB 2277: A BILL for an Act to create and enact a new section to chapter 54-35 and a new subsection to section 54-44.1-03 of the North Dakota

Century Code, relating to budget section revenue estimates and revenue comparison reports; to amend and reenact subsection 5 of section 54-44.1-03 and sections 54-44.1-12 and 54-44.1-13.1 of the North Dakota Century Code, relating to the budget allotment process and budget reductions resulting from an initiative or referendum action.

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

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

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

SB 2277 lost.

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MOTION

SEN. WOGSLAND MOVED that the Senate stand in recess until 6:35 p.m., which motion prevailed.

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

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 1020, HB 1060, HB 1061, HB 1168, HB 1227, HB 1232, HB 1243, HB 1265, HB 1300, HB 1321, HB 1385, HB 1404, HB 1420, HB 1443, HB 1462, HB 1468, HB 1476, HB 1491, HB 1506, HB 1509, HB 1522, HB 1525, HB 1533, HB 1571.

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 1324, HB 1575, HB 1590, HCR 3034.

REPORT OF STANDING COMMITTEE

SB 2002: 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 3, after the comma insert "and"

Page 1, line 5, remove ", and making an appropriation of excess revenues generated by human"

Page 1, line 6, remove "service centers, the state hospital, and the state developmental center" and after the semicolon insert "to create and enact a new subsection to section 14-09-08.1 of the North Dakota Century Code, relating to child support payments;"

Page 1, line 7, after "provide" insert "a", replace "statements" with "statement", and replace "unanticipated federally" with "federal financial participation"

Page 1, line 8, remove "mandated programs"

Page 1, after line 22, insert:

"Less estimated income	41,081
Total general fund appropriation	\$ <u>247,317"</u>

Page 2, line 3, replace "5,789,704" with "5,824,704"

Page 2, line 5, replace "5,546,618" with "5,602,618"

Page 2, line 9, replace "15,334,348" with "15,425,348"

Page 2, after line 9, insert:

"Less estimated income	9,993,255
Total general fund appropriation	\$ <u>5,432,093"</u>

Page 2, line 16, replace "126,971,273" with "129,267,540"

Page 2, line 17, replace "147,109,068" with "149,405,335"

Page 2, after line 17, insert:

"Less estimated income	130,291,045
Total general fund appropriation	\$ <u>19,114,290"</u>

Page 2, line 24, replace "440,974,737" with "436,397,661"

Page 2, line 25, replace "446,330,661" with "441,753,585"

Page 2, after line 25, insert:

"Less estimated income	327,498,741
Total general fund appropriation	\$ <u>114,254,844"</u>

Page 3, after line 4, insert:

"Less estimated income	11,884,362
Total general fund appropriation	\$ <u>2,295,396"</u>

Page 3, after line 10, insert:

"Seriously mentally ill enhancement	1,694,546"
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Page 3, line 11, replace "43,620,635" with "43,184,230"

Page 3, line 12, replace "55,746,293" with "57,004,434"

Page 3, after line 12, insert:

"Less estimated income	31,559,175
Total general fund appropriation	\$ <u>25,445,259"</u>

Page 3, after line 20, insert:

"Less estimated income	24,566,130
Total general fund appropriation	\$ <u>30,636,486"</u>

Page 3, remove lines 21 through 23

Page 3, line 28, replace "8,860,921" with "8,476,921"

Page 4, line 1, replace "862,219" with "100,500"

Page 4, line 2, replace "53,994,257" with "52,848,538"

Page 4, line 3, replace "13,831,113" with "13,196,431"

Page 4, line 4, replace "40,163,144" with "39,652,107"

Page 4, line 11, replace "922,963" with "50,000"

Page 4, line 12, replace "46,568,969" with "45,696,006"

Page 4, line 14, replace "14,115,495" with "13,242,532"

Page 4, after line 14, insert:

"Subdivision 10.

CRITICAL NEEDS FUNDING POOL

Total all funds	\$ 6,784,760
Less estimated income	4,957,419
Total general fund appropriation	\$ 1,827,341

Page 4, line 15, replace "248,397,665" with "252,147,665"

Page 4, line 16, replace "586,356,703" with "588,209,477"

Page 4, line 17, replace "834,754,368" with "840,357,142"

Page 4, line 19, replace "for" with "as appropriated in" and remove "line item entitled"

Page 4, line 20, after "fund" insert "line item" and remove "is"

Page 4, line 21, replace "appropriated" with "may be spent by the department of human services from the lands and minerals trust fund"

Page 4, line 22, remove "from the lands and minerals trust fund"

Page 4, line 26, replace "is hereby appropriated" with "may be spent by the department of human services"

Page 5, line 1, remove "to the department of human services,"

Page 5, line 2, remove "sum" and replace "within" with "in"

Page 5, remove lines 3 through 8

Page 5, line 12, replace "expend" with "spend \$1,768,364 from special"

Page 5, line 13, after "committee" insert "which is hereby appropriated for the biennium beginning July 1, 1991, and ending June 30, 1993"

Page 5, line 19, replace "9" with "10"

Page 5, line 21, replace "\$10,000,000" with "\$6,250,000" and replace "is" with "as appropriated in section 1 of this Act, may be spent by"

Page 5, line 22, remove "appropriated to"

Page 5, line 25, replace "UNANTICIPATED FEDERALLY MANDATED" with "FEDERAL FINANCIAL PARTICIPATION. In the event actual federal financial participation funds are less than estimated in section 1 of this Act"

Page 5, remove lines 26 through 29

Page 6, remove lines 1 and 2

Page 6, line 3, remove "mandates"

Page 6, after line 6, insert:

"SECTION 8. A new subsection to section 14-09-08.1 of the 1989 Supplement to the North Dakota Century Code is created and enacted as follows:

Notwithstanding subsections 1, 2, and 3 of this section, upon agreement of the parties to a divorce, the court shall provide for an alternate payment arrangement for child support in which the obligor makes payment directly to the obligee. The court order must name the obligor and must specify the amount of support to be paid, the method of payment, the date by which the payment must be made, and the person to whom the payment must be made. If the obligor fails to make payment, the obligee may request that the court issue a citation for contempt of court against the obligor as provided in subsection 1.

SECTION 9. CRITICAL NEEDS FUNDING POOL - BUDGET SECTION APPROVAL. The funds appropriated in subdivision 10 of section 1 of this Act shall be made available during the second year of the biennium subject to budget section approval for funding enhancements for the seriously mentally ill, new federal mandates, and other critical needs."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Summary of change

SUBDIVISION 2 - DEPARTMENTWIDE

This amendment adds a total of \$91,000 from the general fund for the Governor's Council on Human Resources consisting of \$35,000 to salaries and wages for one FTE administrative secretary III and by adding \$36,000 to operating expenses for additional travel, per diem, and professional services for the Committee on Employment of People with Disabilities, and \$20,000 to include funding for the Committee on the Status of Women.

SUBDIVISION 3 - ECONOMIC ASSISTANCE

	TOTAL ALL FUNDS	TOTAL OTHER FUNDS	TOTAL GENERAL FUND
1. Reduce AFDC caseload increase from 18/month to 8/month	\$( 3,291,568)	\$( 2,556,464)	\$( 735,104)
2. Revised transitional child care projection savings	( 1,303,901)	( 1,010,572)	( 293,329)
3. Additional funds for federal child care block grant programs	6,891,736	6,239,478	652,258
4. Reduce state aid distribution funds from \$3,000,000 to \$1,875,000		(1,125,000)	1,125,000
Subtotal	\$ 2,296,267	\$ 1,547,442	\$ 748,825

SUBDIVISION 4 - MEDICAL ASSISTANCE

	TOTAL ALL FUNDS	TOTAL OTHER FUNDS	TOTAL GENERAL FUND
1. Savings from recognition of pharmacy rebates (OBRA 1990)	\$ (2,614,437)	\$ (2,000,672)	\$ (613,765)

2. Remove funds budgeted for potential federal mandates	(9,771,125)	(7,560,458)	(2,210,667)
3. Reduce state aid distribution funds from \$5,000,000 to \$3,125,000		(1,875,000)	1,875,000
4. Add funds for Nicoret drug funding	40,000	30,600	9,400
5. Add funds for 4 percent salary increase for DD providers	968,486	591,861	376,625
6. Expand Medicaid eligibility to pregnant women and children (to age 1) with incomes up to 150 percent of poverty on January 1, 1992, and 170 percent of poverty on January 1, 1993	4,700,000	3,600,000	1,100,000
7. Funds for physicians and dental services	1,500,000	1,147,245	352,755
8. Additional funds for optional Medicaid services pursuant to Section 1929 of the Social Security Act for home and community care for functionally disabled elderly individuals	600,000	450,000	150,000
Subtotal	\$ (4,577,076)	\$ (5,616,424)	\$ 1,039,348

## SUBDIVISION 6. FIELD SERVICES AND PROGRAM DEVELOPMENT

	TOTAL ALL FUNDS	TOTAL OTHER FUNDS	TOTAL GENERAL FUND
1. Foster care caseload rejections savings	\$ (436,405)	\$ 106,963	\$ (543,368)
2. Reduce state aid distribution funds from \$2,000,000 to \$1,250,000		(750,000)	750,000
3. Add funds for first priorities of SMI program needs	1,694,546	473,692	1,220,854
Subtotal	\$ 1,258,141	\$ (169,345)	\$ 1,427,486

## SUBDIVISION 8. STATE HOSPITAL

	TOTAL ALL FUNDS	TOTAL OTHER FUNDS	TOTAL GENERAL FUND
1. Reduce operating expenses for locum tenens funding	\$ (384,000)		\$ (384,000)
2. Reduce capital improvements for lease payments	(761,719)		(761,719)

contained in HB 1019

3. Recognize Indian Health Services income during the second year of the biennium		\$ 1,000,000	(1,000,000)
4. Restore income for State Hospital (available from deleting funding for lease payments of State Hospital and State Developmental Center)		(1,634,682)	1,634,682
Subtotal	\$ (1,145,719)	\$ (634,682)	\$ (511,037)

SUBDIVISION 9. STATE DEVELOPMENTAL CENTER

	TOTAL ALL FUNDS	TOTAL OTHER FUNDS	TOTAL GENERAL FUND
1. Reduce capital improvements for lease payments contained in HB 1019	\$(872,963)		\$(872,963)
Subtotal	\$(872,963)		\$(872,963)

SUBDIVISION 10. CRITICAL NEEDS FUNDING POOL

	TOTAL ALL FUNDS	TOTAL OTHER FUNDS	TOTAL GENERAL FUND
Add funds for critical needs:			
1. Unanticipated federal mandates	\$ 4,754,976	\$ 3,679,187	\$ 1,075,789
2. Reducing AFDC caseload increase from 13/month to 8/month	1,645,784	1,278,232	367,552
3. Reducing State Hospital locum tenens	384,000		384,000
Subtotal	\$ 6,784,760	\$ 4,957,419	\$ 1,827,341

To be used as follows:

1. Funds for additional priorities of SMI program needs	\$(1,148,350)	\$ (321,009)	\$ (827,341)
2. Unanticipated federal mandates	(5,636,410)	(4,636,410)	(1,000,000)
Subtotal	\$(6,784,760)	\$(4,957,419)	\$(1,827,341)

The savings of \$1,827,341 from the general fund are to be used to fund the critical needs funding pool of \$1,827,341 in subdivision 10. A new section is added to provide that these moneys be spent only during the second year of the biennium and only after Budget Section approval. The funds are to be used for SMI enhancements, new federal mandates, and other critical needs.

SECTION 5. CHILDREN'S SERVICES COORDINATING COMMITTEE

	TOTAL ALL FUNDS	TOTAL OTHER FUNDS	TOTAL GENERAL FUND
1. Add a specific amount of funds to be received pursuant to HB 1018	\$1,768,364	\$1,768,364	
Subtotal	\$1,768,364	\$1,768,364	
GRAND TOTAL NET INCREASES TO SB 2002	\$5,602,774	\$1,852,774	\$ 3,750,000
Less change to replace state aid distribution funds		3,750,000	(3,750,000)
Net changes to SB 2002 excluding replacement of state aid distribution funds	\$5,602,774	\$5,602,774	\$ -0-

## OTHER AMENDMENTS

These amendments also add the estimated income and general fund appropriations to each subdivision in Section 1.

Section 4 regarding the appropriation of additional funds from nonfederal sources is deleted as additional funds are not anticipated and should any funds become available they may be spent pursuant to Senate Bill No. 2168.

Section 7 is amended to provide legislative intent that should federal financial participation funds be less than estimated the department shall report to the Budget Section regarding any prospective deficiency to be introduced to the 1993 Legislative Assembly.

Section 8 is added to amend current law regarding child support payments.

The following is a schedule of the use of state aid distribution funds:

	EXECUTIVE BUDGET	SENATE AMENDMENTS	REDUCTION
Subdivision 3			
1. Optional supplementation/ general assistance basic care grants	\$2,575,000	\$1,609,375	\$ (965,625)
2. AFDC grants	425,000	265,625	(159,375)
Subdivision 4			
1. Medicaid payments	3,000,000	1,875,000	(1,125,000)
2. ICF/MR grants	2,000,000	1,250,000	(750,000)
Subdivision 6			
1. Service payments to the elderly and disabled	2,000,000	1,250,000	(750,000)
Total	<u>\$10,000,000</u>	<u>\$6,250,000</u>	<u>\$(3,750,000)</u>

The \$1,220,854 and \$827,341, a total of \$2,048,195 added for SMI program enhancements in subdivisions 6 and 10, respectively, are added from the general fund to fund the highest priority items identified which include:

General Fund

Northeast region - Grand Forks  
8 bed long-term residential care facility - SMI \$ 389,682

1 addiction counselor	51,034
Southeast - Fargo	
8 bed long-term residential care facility - SMI/chemical dependency	389,682
1 addiction counselor	51,034
1 psychiatrist	132,150
West Central - Bismarck	
1 psychiatrist	132,150
Northwest - Williston	
2 social workers - outreach	131,311
Badlands	
2 social workers - outreach	131,311
Inpatient services	42,500
Statewide - Psychosocial centers	170,000
North Central - Minot	
Expand regional intervention services	292,622
Lake Region - Devils Lake	<u>220,000</u>
Crisis residential services	
Total	\$2,133,476

CONSIDERATION OF AMENDMENTS

SB 2002: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments be adopted with DO PASS.

REQUEST

SEN. STENEHJEM REQUESTED that the question of the adoption of the amendments to SB 2002 be divided to have the sections voted on separately in the following manner:

DIVISION I - Remainder of the bill

DIVISION II

Page 6, after line 6, insert:

"SECTION 8. A new subsection to section 14-09-08.1 of the 1989 Supplement to the North Dakota Century Code is created and enacted as follows:

Notwithstanding subsections 1, 2, and 3 of this section, upon agreement of the parties to a divorce, the court shall provide for an alternate payment arrangement for child support in which the obligor makes payment directly to the obligee. The court order must name the obligor and must specify the amount of support to be paid, the method of payment, the date by which the payment must be made, and the person to whom the payment must be made. If the obligor fails to make payment, the obligee may request that the court issue a citation for contempt of court against the obligor as provided in subsection 1."

The question being on the adoption of Division I of the proposed amendments to SB 2002.

Division I of the proposed amendments to SB 2002 was adopted.

The question being on the adoption of Division II of the proposed amendments to SB 2002.

Division II of the proposed amendments to SB 2002 lost.

SECOND READING OF SENATE BILL

SB 2002: A BILL for an Act making an appropriation for defraying the expenses of the department of human services, making an appropriation from the lands and minerals trust fund to the common schools trust fund, and providing an appropriation from the revolving loan fund maintained in the Bank of North Dakota; and to provide a legislative intent statement relating to federal financial participation.

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; 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; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod

SB 2002 passed and the title was agreed to.

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REPORT OF STANDING COMMITTEE

SB 2054: 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 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for the establishment of the North Dakota parks and tourism department and the parks and tourism advisory board; to amend and reenact subdivision g of subsection 1 of section 6-09-15, subsection 3 of section 10-06-04.3, sections 24-02-37.1, 24-03-21, subdivision o of subsection 1 of section 28-32-01, section 37-03-14, paragraph 7 of subdivision a of subsection 2 of section 39-01-01, section 39-24-05, subsection 3 of section 39-24-08, sections 39-24-09.1, 39-29-01.1, subsection 2 of section 39-29-05, subsection 3 of section 39-29-08, sections 39-29-10, 54-34-01, subsection 2 of section 54-34-06, sections 55-08-02.1, 55-08-03.1, 55-08-07, 55-08-07.1, 55-08-07.2, 55-08-08, 55-08-09, 55-08-10, 55-08-11, 55-08-12, 55-08-13, 55-08-14.1, 55-08-15, 55-10-04, subsection 3 of section 55-11-02, section 55-11-09, subsection 6 of section 57-39.2-28, section 61-29-04, and subsection 1 of section 61-33-09 of the North Dakota Century Code, relating to the powers and duties of the North Dakota parks and tourism department; to repeal sections 55-08-01, 55-08-03, 55-11-04, and 55-11-10 of the North Dakota Century Code, relating to the duties of the director of the parks and recreation department and advisers to the parks and recreation department; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision g of subsection 1 of section 6-09-15 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- g. To nonprofit organizations that are exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code [26 U.S.C. 501 (c)(3)], the proceeds of the loans to be used for construction, reconstruction, repair, renovation, maintenance, and associated costs on property

under the control of the ~~state~~ parks and ~~recreation~~ tourism department.

SECTION 2. AMENDMENT. Subsection 3 of section 10-06-04.3 of the North Dakota Century Code is amended and reenacted as follows:

3. Before any farmland or ranchland can be purchased by any nonprofit organization for the purpose of conserving natural areas and habitats for biota, the governor must approve the proposed acquisition. A nonprofit organization that desires to purchase farmland or ranchland for the purpose of conserving natural areas and habitats for biota shall first submit a proposed acquisition plan to an advisory committee consisting of the director of the parks and ~~recreation~~ tourism department, the state engineer, the ~~agriculture~~ commissioner of agriculture, the state forester, the game and fish commissioner, and the manager of the Garrison Diversion Conservancy District, for acquisition plans containing lands within the Garrison Diversion Conservancy District, or their designees. The advisory committee shall review the proposed acquisition plan and shall make recommendations to the governor within thirty days after receipt of the proposed acquisition plan. The governor shall approve or disapprove any proposed acquisition plan, or any part thereof, within thirty days after receipt of the recommendations from the advisory committee.

SECTION 3. AMENDMENT. Section 24-02-37.1 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

24-02-37.1. Special road advisory committee. The special road advisory committee consists of one member of the senate transportation committee and one member of the senate appropriations committee appointed by the chairman of the legislative council and one member of the house of representatives transportation committee and one member of the house of representatives appropriations committee appointed by the chairman of the legislative council and also the game and fish commissioner, the director of ~~state~~ the parks and ~~recreation~~ tourism department, the director of the economic development commission, and the commissioner. The committee shall meet at the call of the commissioner, who is chairman of the committee, to review requests for funding from the special road fund and to advise the commissioner regarding funding requested projects. All final decisions regarding funding requested projects are in the sole discretion of the commissioner. The members of the commission who are members of the legislative assembly must be compensated by the department, from moneys appropriated from the special road fund, for attendance at committee meetings at the rate provided in section 54-35-10 and are entitled to reimbursement for expenses incurred in attending the meetings in the amounts provided by law for other state officers.

SECTION 4. AMENDMENT. Section 24-03-21 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

24-03-21. Preparation of road maps - Publication of tourist information. The commissioner shall prepare for general distribution, road maps of the state highway system and such other roads as ~~he shall deem~~ the commissioner determines necessary. Any tourist-oriented material printed on road maps ~~shall~~ must be prepared by the ~~economic development commission~~ tourism division of the parks and tourism department at no ~~expense~~ cost to the department of transportation.

SECTION 5. AMENDMENT. Subdivision o of subsection 1 of section 28-32-01 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- o. The parks and ~~recreation~~ tourism department.

SECTION 6. AMENDMENT. Section 37-03-14 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

37-03-14. North Dakota veterans' cemetery - Administration. The adjutant general shall establish and operate the North Dakota veterans' cemetery, which the adjutant general shall locate within or adjacent to Fort Abraham Lincoln state park. The adjutant general may accept and utilize private and federal funds to establish and operate the veterans' cemetery. The adjutant general, with the approval of the governor, may enter into an agreement with the director of the ~~state~~ parks and ~~recreation~~ tourism department for the maintenance of the cemetery. The adjutant general shall provide lots in the state veterans' cemetery for the interment of deceased members of the national guard and veterans, and their spouses, minor children, and unmarried adult children who were physically or mentally disabled and incapable of self-support. The adjutant general may adopt, amend, or rescind any rules under chapter 28-32 as deemed necessary to implement and administer this section.

SECTION 7. AMENDMENT. Paragraph 7 of subdivision a of subsection 2 of section 39-01-01 of the North Dakota Century Code is amended and reenacted as follows:

- (7) Vehicles operated by or under the control of the director, ~~assistant director,~~ and ~~park superintendents~~ of the North Dakota parks and ~~recreation~~ tourism department.

SECTION 8. AMENDMENT. Section 39-24-05 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

39-24-05. Disposition of registration fees. Fees from registration of snowmobiles must be deposited with the state treasurer and credited to the motor vehicle registrar fund. The snowmobile trail tax must be deposited in a state snowmobile fund in the state treasury. The ~~state~~ parks and ~~recreation~~ tourism department may, upon appropriation by the legislative assembly, expend from such fund moneys it deems necessary for purposes of administering snowmobile safety programs and establishing and maintaining snowmobile facilities.

SECTION 9. AMENDMENT. Subsection 3 of section 39-24-08 of the North Dakota Century Code is amended and reenacted as follows:

3. The director of the ~~state~~ parks and ~~recreation~~ tourism department shall ~~promulgate~~ adopt rules and regulations for regulating use of snowmobiles in state parks and other state-owned land ~~described in section 55-00-03~~ under the supervision of the director.

SECTION 10. AMENDMENT. Section 39-24-09.1 of the North Dakota Century Code is amended and reenacted as follows:

39-24-09.1. Operation by persons under age sixteen. Except as otherwise provided in this section, it is unlawful for any person twelve years of age and over who has not reached sixteen years of age and who is not in possession of a valid driver's license or permit to operate a snowmobile, except upon the lands of the person's parent or guardian, unless and until the person has completed a snowmobile safety training course as prescribed by the director of the ~~state~~ parks and ~~recreation~~ tourism department pursuant to chapter 28-32 and has received the appropriate snowmobile safety certificate issued by the commissioner. The failure of an operator to exhibit a snowmobile safety certificate upon demand to any official authorized to enforce ~~the provisions of~~ this chapter is presumptive evidence that ~~such~~ the person is not the holder of ~~such~~ the certificate. Fees collected from each person receiving certification must be deposited into the

snowmobile trail tax fund for purposes of establishing snowmobile safety programs.

SECTION 11. AMENDMENT. Section 39-29-01.1 of the North Dakota Century Code is amended and reenacted as follows:

39-29-01.1. Safety fee - Imposition - Collection by dealer - Payment to department - Use of fee. Upon the sale of an all-terrain vehicle, each dealer shall collect a five dollar safety fee from the buyer. By the end of each calendar quarter the dealer shall file a report with the parks and ~~recreation~~ tourism department ~~that which~~ discloses the number of all-terrain vehicles sold the previous months and includes the fees collected from the buyer. Fees imposed under this section must be deposited in the all-terrain vehicle fund established under subsection 2 of section 39-29-05. The fees may be used only by the parks and ~~recreation~~ tourism department and only for all-terrain vehicle safety education and promotion.

SECTION 12. AMENDMENT. Subsection 2 of section 39-29-05 of the North Dakota Century Code is amended and reenacted as follows:

2. The all-terrain vehicle trail tax must be deposited in a state fund in the state treasury. The ~~state~~ parks and ~~recreation~~ tourism department may, on appropriation by the legislative assembly, expend from that fund moneys for establishing all-terrain vehicle facilities, all-terrain vehicle use areas, and all-terrain vehicle safety and education programs.

SECTION 13. AMENDMENT. Subsection 3 of section 39-29-08 of the North Dakota Century Code is amended and reenacted as follows:

3. The director of ~~state~~ the parks and ~~recreation~~ tourism department shall adopt rules to regulate use of all-terrain vehicles in state parks and other state-owned land ~~described in section 55-08-03~~ under the supervision of the director.

SECTION 14. AMENDMENT. Section 39-29-10 of the North Dakota Century Code is amended and reenacted as follows:

39-29-10. Operation by persons under age sixteen. Except as otherwise provided in this section, a person under sixteen years of age who is not in possession of a valid operator's license or permit to operate an all-terrain vehicle may not, except upon the lands of the person's parent or guardian, operate an all-terrain vehicle. A person at least twelve years of age may operate an all-terrain vehicle if the person has completed an all-terrain vehicle safety training course prescribed by the director of the ~~state~~ parks and ~~recreation~~ tourism department and has received the appropriate all-terrain vehicle safety certificate issued by the commissioner. The failure of an operator to exhibit an all-terrain vehicle safety certificate on demand to any official authorized to enforce this chapter is presumptive evidence that that person does not hold such a certificate. Fees collected from each person receiving certification must be deposited in the all-terrain vehicle trail tax fund for all-terrain vehicle safety education and training programs.

SECTION 15. AMENDMENT. Section 54-34-01 of the North Dakota Century Code is amended and reenacted as follows:

54-34-01. Purpose of chapter. The economic development commission and director of the economic development commission appointed under this chapter are intended to carry out a program of promotion and economic development to enhance the general welfare of the state through the establishment of new business and industry, the expansion of existing business and industry, the development of new markets for agricultural, and other products, the encouragement of

international trade, ~~the development of tourism~~, and the attraction of new residents, business, and industry. The primary mission and focus of the program is the establishment and expansion of primary sector business and industry.

SECTION 16. AMENDMENT. Subsection 2 of section 54-34-06 of the North Dakota Century Code is amended and reenacted as follows:

2. Plan, execute, and direct a program of publicity, research, and agricultural and industrial promotion, the primary mission and focus of which is the establishment and expansion of primary sector business and industry, which will:
  - a. Attract investors, investment capital, and new residents.
  - b. Foster and promote ~~tourism and~~ international trade.
  - c. Assist in improving the business and agricultural climate of North Dakota to encourage the growth and development of business and industry.

SECTION 17. State parks and tourism policy. The parks and tourism department shall plan and coordinate government programs encouraging the full development of existing and future parks and outdoor recreation areas and the promotion of tourism.

SECTION 18. Parks and tourism department - Director. There is created a parks and tourism department to serve as the focal point in the state for activities related to parks and tourism. The department shall plan and coordinate programs for all governmental levels to fulfill the state parks and tourism policy. The governor shall appoint a director of the department who shall serve at the will of the governor. The department consists of two divisions under the supervision of the director: a parks and outdoor recreation sites division and a tourism promotion division.

SECTION 19. Director of parks and tourism department - Powers - Penalty. The director of the parks and tourism department shall:

1. Manage all state parks state campgrounds, state recreational areas or reserves and any other property under the control of the parks and tourism department, including site selection and planning, establishment of fees and charges, establishment of hours and seasons of operation, and regulation of the conduct of guests and visitors.
2. Appoint personnel necessary to carry out the duties and functions of the department, and fix their compensation within the limits of legislative appropriations.
3. Accept on behalf of the state, gifts or grants of property for the department.
4. Acquire by purchase, gift, or condemnation any real property or interest in real property in this state or an adjoining state if necessary for park or tourism purposes. However, condemnation proceedings may be instituted only upon approval by the emergency commission.
5. Lease, sell, or exchange real property under the department's control if necessary for the improved management of state parks, state campgrounds, and state recreational areas or reserves.
6. Administer all real property and interests in real property and personal property held for recreational purposes as an

agent for any state or federal agency or a political subdivision of the state.

7. Adopt rules relating to the protection, care, and use of state parks, state campgrounds, state recreational areas or reserves, and any other real or personal property administered by the director.
8. Sell, mortgage, transfer, or dispose of property under the control of the department as authorized by law.
9. Seek the advice of the superintendent of the state historical board on all matters relating to history, prehistory, and paleontology of the state parks. If additional assistance is needed or required, the superintendent shall coordinate the assistance.
10. Advise in advance and consult with the superintendent of the state historical board before undertaking any earthmoving operations or major constructions so that the director may be advised whether the earthmoving operations or constructions might endanger historical archaeological artifacts or the paleontological value of the area. The superintendent of the state historical board and the director shall jointly agree on the disposition of historical artifacts and archaeological material at state monuments and state parks.
11. In the director's discretion, designate any state park or state campground or an area within any state park or state campground as an area within which the use of alcoholic beverages is prohibited. Any person violating that designation is guilty of an infraction.

SECTION 20. Parks and tourism advisory board. There is established a parks and tourism advisory board consisting of nine members appointed by the governor for terms of three years. Terms begin on July first and end on June thirtieth of the third year or until a successor has been appointed. The terms of office of the members first appointed must be staggered so that the terms of three members expire each year. Vacancies occurring other than by the expiration of a term must be filled by appointment for the remainder of the term. The board shall select from its membership an executive committee consisting of the president, the vice president, and the secretary of the board. The board shall advise the director of the parks and tourism department and consult with other state and federal agencies when necessary on matters relating to the implementation of the state policy for parks and tourism.

SECTION 21. AMENDMENT. Section 55-08-02.1 of the North Dakota Century Code is amended and reenacted as follows:

55-08-02.1. Outdoor recreation interagency council - Composition - Functions. A state outdoor recreation interagency council ~~shall exist and shall~~ is created and must be composed of the state engineer of the water commission, commissioner of the state game and fish department, superintendent of the state historical board, ~~commissioner of the state highway~~ director of the department of transportation, executive secretary of the state soil conservation committee, ~~state parks and recreation director~~ the director of the parks and tourism department, chairman of the state water commission, state health officer, director of the economic development commission, state forester, and the commissioner of university and school lands. The governor or ~~his~~ the governor's designee ~~shall be~~ is council chairman.

The members of the council:

1. Shall deal with the distribution of state general fund appropriations ~~which that~~ are to be matched with federal outdoor recreation grants-in-aid at the state level. Each member ~~shall have~~ has one vote in such matters.
2. Shall meet periodically at the call of the chairman and shall keep minutes and other financial records dealing with ~~such~~ the meetings.
3. Shall cooperate with the United States or any appropriate agency thereof, particularly in connection with the distribution and use of federal aid funds ~~which that~~ the state may become eligible to receive.
4. Shall encourage cooperation among public, voluntary, and commercial agencies and organizations.
5. Subject to the approval of the governor, may adopt rules for the conduct of its affairs as may be deemed necessary, including the time, place, and notice of regular meetings, call and notice of special meetings, and number of members required for a quorum to transact business.

SECTION 22. AMENDMENT. Section 55-08-03.1 of the North Dakota Century Code is amended and reenacted as follows:

55-08-03.1. Recreation division grants programs - Function. The director, ~~without limiting the generality thereof, shall be vested with the power, authority, duty, and general jurisdiction to may:~~

1. Apply for and receive federal grants-in-aid for recreation purposes. ~~He shall~~ The director may approve their allocation to political subdivisions of the state only after ~~he the~~ the director has determined that sufficient funds, including those funds necessary for adequate maintenance, are and will be available from the political subdivisions for meeting the state's share of project costs. If for any reason it ~~shall become~~ is necessary for any department or agency of the state to expend state funds in order to fulfill any obligation of a political subdivision which it has agreed to perform in the construction or maintenance of such projects, the state ~~shall have~~ has a claim against the subdivision for ~~such~~ the money expended. All funds allocated to the state for recreation purposes ~~shall~~ must be distributed to the departments, agencies, or political subdivisions entitled ~~thereto~~ to the funds.
2. Keep financial and other records relating ~~thereto to the~~ to the programs, and furnish to appropriate officials and agencies of the United States and the state of North Dakota such reports and information as may be reasonably necessary to enable ~~such~~ those officials and agencies to perform their duties under ~~such~~ the programs.
3. Undertake the development of broad recreation policies for the state as a whole and a long range plan for their implementation.
4. Initiate a continuing appraisal of the total state recreation resources, potentials, and needs and the adequacy of current efforts to meet the demands.
5. Provide for the coordination and appraisal of related programs administered by all levels of government and by private enterprise.

SECTION 23. AMENDMENT. Section 55-08-07 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

55-08-07. State park and tourism fund - Appropriation. All revenues collected as permit fees, admissions, use charges, rentals, compensation for concession agreements, or otherwise, with the exception of revenue from bequests, trusts, or gifts, must be placed in the state park and tourism fund, together with all proceeds of bonds issued pursuant to section 55-08-08. This fund must be maintained by the state treasurer as a special trust fund and is ~~hereby~~ irrevocably appropriated and must be used and disbursed solely for the following purposes:

1. To pay the current cost of furnishing each special service provided in accordance with this chapter. For this purpose the charges, fees, and rentals for each service must be credited to a special operating account, from which must be paid only the current, reasonable and necessary cost of operating ~~such~~ that service, determined in accordance with accepted accounting practice, including the purchase price of merchandise and utilities sold and the compensation of employees necessarily attributable to the furnishing of ~~such~~ that service. The director ~~shall~~ may incur no operating cost for any building, structure, or facility leased, and ~~such~~ the leases must provide for the payment of ~~such~~ the costs by the lessee and for the payment of a net rental in addition ~~thereto~~ the costs. No ~~such~~ lease rentals and no motor vehicle permit fees may be credited to operating accounts.
2. To provide for the payment and security of the principal and interest when due on any state park and tourism revenue bonds issued ~~pursuant to under~~ section 55-08-08. For this purpose the treasurer shall credit to a special service account within the state park and tourism fund, as received, all bond proceeds, all motor vehicle permit fees and all rental payments by lessees, and all net income remaining in the operating account for each special service at the end of each month, in excess of the costs of operation thereof which are then payable or are to become due and payable within one month, and shall transfer from this fund and account to the revenue bond fund described in section 55-08-09, whenever necessary, so much of the revenues then on hand as may be required; ~~or all thereof, if necessary;~~ to produce a balance in the revenue bond fund equal to the sum of the interest due and to become due within eighteen months plus the principal due and to become due within twenty-four months thereafter on all outstanding series of ~~such~~ the bonds.
3. To finance the acquisition, construction, reconstruction, improvement, betterment, or extension of ~~park~~ the department's properties, for projects within state parks, state campgrounds, state recreation areas, and reserves including; ~~but without limitation;~~ the acquisition of land and water, the erection of buildings and structures, and the improvement of properties held in trust for or leased by the state of North Dakota; when and, as authorized from time to time by the legislative assembly of the state of North Dakota. For this purpose the director shall authorize the disbursement from time to time of bond proceeds and revenues received in the fund; ~~provided, that no such disbursements.~~ However, a disbursement may not be made in excess of the amounts of revenue bonds issued and other funds granted or appropriated and received for this purpose, and no ~~such~~ disbursements may be made at any time when the balance in the revenue bond fund is less than specified in subsection 2.

4. For any other ~~park~~ purpose for which funds have been appropriated by the legislative assembly to the ~~North Dakota~~ parks and ~~recreation~~ tourism department, ~~provided that no such~~. A disbursement may not be made at any time when the balance in the revenue bond fund is less than specified in subsection 2.

SECTION 24. AMENDMENT. Section 55-08-07.1 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

55-08-07.1. State parks ~~and recreation~~ and tourism department concession revolving fund. The director shall maintain a state parks and tourism concession revolving fund to be used for the following:

1. Procurement and maintenance of an inventory of food, nonintoxicating beverages, and other merchandise and supplies of a suitable nature for the operation of concession stands ~~at the state parks~~, including payment of costs and travel expenses necessarily incurred to obtain or sell such items.
2. Repair, replacement, construction, and maintenance of concession buildings, facilities, and properties contained therein.

The sum of fifty thousand dollars is hereby established in the state parks and tourism concession revolving fund for the purpose provided in this section as a limit on the fund balance after accrued liabilities on June thirtieth of each year. Any surplus in this fund in excess of fifty thousand dollars on June thirtieth of each year must be transferred to the state park and tourism operating fund.

SECTION 25. AMENDMENT. Section 55-08-07.2 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

55-08-07.2. State parks and ~~recreation department~~ tourism gift fund - Fund use. There is established in the state treasury a special fund designated as the state parks and tourism gift fund. All donations to the state parks and recreation tourism department in the form of gifts, trusts, and bequests of property or money, that would cause the department to exceed its appropriated spending authority and any interest accruing thereon, must be placed in the state parks and tourism gift fund and is hereby appropriated to the department. The fund may be used and disbursed by the state parks and recreation tourism department, with the approval of the state emergency commission, in accordance with the terms of the donation as determined by the director.

SECTION 26. AMENDMENT. Section 55-08-08 of the North Dakota Century Code is amended and reenacted as follows:

55-08-08. State park and tourism revenue bonds. For the purpose of paying all or part of the cost of acquisition, construction, reconstruction, improvement, betterment, or extension of park properties for state parks, state campgrounds, state recreation areas, and reserves, as described in subsection 2 of section 55-08-07, which may ~~from time to time~~, be authorized by the legislative assembly, the money may be borrowed on the credit of the revenues to be received in the state park and tourism fund. ~~Such~~ The borrowing ~~shall~~ must be authorized by a board consisting of the governor, the state treasurer, and the director of state the parks and ~~recreation~~ tourism department, by resolution or resolutions duly adopted by the vote of a majority of all members of ~~such the~~ board. In anticipation of the collections of ~~such the~~ revenues, negotiable bonds may be issued in ~~such an~~ amount as, in the opinion of the board, may be necessary for ~~such that~~ purpose, within the limits of the authority granted by the legislative assembly

in each instance, and the board may provide for the payment of ~~such~~ the bonds and the rights of the holders ~~thereof~~ of the bonds as provided in this chapter. The bonds may be issued in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty years from their date, may be in such denomination or denominations, may be in such form, either coupon or fully registered or registered as to ownership or principal, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment at such place or places, may be subject to such terms of redemption with or without premium, and may bear such rate or rates of interest, as may be provided by resolution or resolutions to be adopted by the board, subject to ~~the further provisions of~~ this section. The bonds may be sold in such manner and at such price or prices, not less than ninety-eight percent of par plus accrued interest to date of delivery, as may be considered by the board to be advisable. The bonds ~~shall~~ must have all of the qualities and incidents of negotiable paper, and ~~such~~ the bonds and the income ~~therefrom shall be from the bonds~~ are exempt from any taxes, except inheritance, estate, and transfer taxes. The board may in its discretion authorize one series of bonds hereunder for more than one project, at more than one state park, state campground, state recreation area, or reserve. It may also issue series of bonds hereunder for the refunding of outstanding bonds issued hereunder when such action is desirable in its judgment and is consistent with the terms of the resolution or resolutions authorizing the outstanding bonds.

SECTION 27. AMENDMENT. Section 55-08-09 of the North Dakota Century Code is amended and reenacted as follows:

55-08-09. Revenue bond fund. ~~From and after~~ After the issuance of any bonds under ~~the provisions of~~ section 55-08-08, the state treasurer shall transfer revenues at the times and in the amounts directed in section 55-08-07 to a special trust fund to be known as the state park and tourism revenue bond fund, which ~~shall~~ must be maintained in the state treasury until all bonds issued under section 55-08-08 and all interest ~~thereon are on the bonds~~ is fully paid and discharged. This fund ~~shall~~ must be disbursed by the state treasurer solely for the purpose of paying principal and interest when due on ~~said~~ the bonds, and the treasurer shall also maintain ~~therein~~ in the fund, by the transfer of revenues from the state ~~parks~~ park and tourism fund whenever necessary and available, a reserve at all times equal to the total amount of principal and interest to become due on all ~~such~~ the bonds within the then next ~~succeeding~~ period of twelve months. As principal and interest become due from time to time, the director of the office of management and budget, not less than fifteen days ~~prior to before~~ the payment dates, shall issue warrants upon the state treasurer against ~~said~~ the revenue bond fund for the amount of ~~such~~ the payment coming due, and the state treasurer shall make payments from ~~such~~ the fund of the amounts due.

SECTION 28. AMENDMENT. Section 55-08-10 of the North Dakota Century Code is amended and reenacted as follows:

55-08-10. Covenants of board. The board ~~is authorized and directed to~~ shall pledge irrevocably the revenues appropriated by section 55-08-07 to the state park and tourism fund for the payment of principal and interest due on all bonds issued pursuant to section 55-08-08 and for the accumulation and maintenance of the reserve in the state park and tourism revenue bond fund as provided in section 55-08-09. ~~In order to~~ To secure the prompt payment of ~~such~~ the principal and interest and the proper application of the revenues pledged thereto, the board ~~is authorized may~~ by appropriate provisions in the resolution or resolutions authorizing the bonds to covenant as to the use and disposition of the proceeds of the sale of ~~such~~ the bonds; the rights, liabilities, powers, and duties arising from the breach of any covenant or agreement into which it may enter in

authorizing and issuing the bonds; the issuance of any other obligation payable from ~~said~~ the revenues; and any other matters other than and in addition to those herein expressly mentioned in this section, as to which covenants may be considered necessary or advisable to effect the purposes of this chapter. All such agreements and covenants entered into by the board ~~shall be~~ are enforceable by appropriate action or suit at law or in equity, which may be brought by any holder or holders of bonds issued hereunder.

SECTION 29. AMENDMENT. Section 55-08-11 of the North Dakota Century Code is amended and reenacted as follows:

55-08-11. Limitation on use of bond proceeds. No buildings or additions ~~shall may~~ be erected, and no bonds ~~shall may~~ be issued or the proceeds used for the payment of the cost of any projects under the provisions of section 55-08-08, ~~save and except for such~~ specified projects ~~as may be from time to time~~ designated and authorized by legislative act, or the board if permitted by the legislative assembly ~~shall so provide, nor shall any.~~ No such project may be erected at a cost exceeding the amount fixed by the legislative assembly ~~in such act~~ or by the board if provided by the legislative assembly ~~shall so provide~~, as the maximum to be expended ~~therefor for the project~~. The proceeds of all bonds credited to the state parks park and tourism fund ~~shall must~~ be used solely for the purpose or purposes for which the bonds are authorized. The board ~~is empowered to may~~ make and execute all instruments which may be deemed necessary or advisable to provide for the completion of any project or for the sale of the bonds or for interim financing deemed necessary or advisable pending the sale of the bonds, and pledging the proceeds of the bonds. The director of the office of management and budget ~~is authorized and directed to~~ shall issue warrants upon the state treasury against ~~said the~~ fund for such amounts as ~~he may from time to time find to be is~~ due upon audited itemized estimates and claims ~~which that~~ bear the approval of the officials designated by the board for ~~such that~~ purpose. The state park and tourism fund and revenue bond fund may be deposited by the state treasurer with the Bank of North Dakota or in a bank ~~which that~~ is a duly designated depository for state funds, or may be invested under direction of the board in securities ~~which that~~ are direct obligations of the United States of America, except to the extent that ~~such the investment may be is~~ prohibited or restricted by any covenant made with or for the benefit of bondholders.

SECTION 30. AMENDMENT. Section 55-08-12 of the North Dakota Century Code is amended and reenacted as follows:

55-08-12. Contracts with federal agencies. The director of ~~state the parks and recreation~~ tourism department may enter into any agreements or contracts with the United States of America or any agency or instrumentality thereof, when the director considers such action advisable or necessary in order to obtain a grant of funds or other aid to be used in connection with the proceeds of the bonds in paying the cost of a project.

SECTION 31. AMENDMENT. Section 55-08-13 of the North Dakota Century Code is amended and reenacted as follows:

55-08-13. Construction of chapter - Statement to be included in bonds. ~~Nothing in this~~ This chapter ~~shall be construed to does not~~ authorize or permit any state board or agency or any state officer ~~thereof~~ to create any indebtedness of the state, or to incur any obligation of any kind or nature except ~~such as shall be an obligation~~ payable solely from the special trust funds to be created under the terms and provisions of this chapter and the revenues ~~herein~~ appropriated to ~~said the funds, nor shall the.~~ The state of North Dakota or any funds or moneys of the state other than ~~said the~~ special trust funds ~~ever may not~~ be deemed obligated for the payment of bonds issued under section 55-08-08 or any part thereof. All such bonds

~~shall~~ must include or ~~shall~~ must have endorsed ~~thereon~~ on the bonds a statement to the effect that the ~~same~~ bonds do not constitute an indebtedness of the state of North Dakota and are payable solely from the revenues appropriated to the state park and tourism fund and revenue bond fund.

SECTION 32. AMENDMENT. Section 55-08-14.1 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

55-08-14.1. Leadership and facilities grants. The ~~North Dakota~~ parks and ~~recreation~~ tourism department shall administer the funds made available to provide for recreational leadership grants and facilities grants in the following manner:

1. One-fourth of all moneys made available to the department for the grants ~~shall~~ must be used for a leadership grant program. This program ~~shall~~ provide enhanced recreational opportunities to state residents, particularly in communities with a population of thirteen thousand or less, regardless of age or state of health. Moneys must be provided on a three-to-one basis for the first year of a grant, one-to-one for the second year of a grant, and one-to-three for the third year of the grant, after which the program must be fully funded locally.
2. Three-fourths of all moneys made available to the department for the grants ~~shall~~ must be used for a facilities grant program. This program ~~shall~~ must provide funds, on a fifty percent matching basis, for political subdivisions to improve, renovate, or construct any type of facility primarily used for community, park, and recreation purposes.

SECTION 33. AMENDMENT. Section 55-08-15 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

55-08-15. Attorney general, state's attorneys, sheriffs, and peace officers to enforce park and recreation laws chapter. The attorney general, and all state's attorneys, sheriffs, and other peace officers shall enforce this chapter.

SECTION 34. AMENDMENT. Section 55-10-04 of the North Dakota Century Code is amended and reenacted as follows:

55-10-04. State historic sites - Registry - State-owned lands administered by the state parks and ~~recreation~~ tourism department or state historical society. The land and water areas ~~enumerated~~ in this section are ~~hereby~~ designated by law as state historic sites, and this section is a registry of state historic sites situated on property owned by the state and administered by the state parks and ~~recreation~~ tourism department, or state historical society:

1. Fort Rice, located near the town of Fort Rice in Morton County, and consists of seven acres [2.83 hectares].
2. Whitestone Hill battlefield, site of battle of Whitestone Hill, located in Whitestone Hill State Park in Dickey County, and consists of sixty-six acres [26.71 hectares].
3. Fort Abercrombie, located in Fort Abercrombie State Park in Richland County, and consists of twenty-one and ninety-five one-hundredths acres [8.88 hectares].
4. Fort Buford, located in Fort Buford State Park in Williams County, and consists of thirty-six and fifty-three one-hundredth acres [14.78 hectares].

5. Fort McKeen, located in Fort Abraham Lincoln State Park in Morton County.
6. Fort Abraham Lincoln, located in Fort Abraham Lincoln State Park in Morton County.
7. Slant Indian village, located in Fort Abraham Lincoln State Park in Morton County.

SECTION 35. AMENDMENT. Subsection 3 of section 55-11-02 of the North Dakota Century Code is amended and reenacted as follows:

3. "Department" means the ~~North Dakota~~ parks and ~~recreation tourism~~ department.

SECTION 36. AMENDMENT. Section 55-11-09 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

55-11-09. ~~State parks and recreation department~~ Department - Powers and duties - Penalty. In furtherance of the purposes of this chapter and in implementation of the powers and duties ~~elsewhere~~ provided in this chapter, the department ~~shall have~~ has the following additional powers and duties:

1. To formulate policies for the selection, acquisition, use, management, and protection of nature preserves.
2. To determine, supervise, and control the management of nature preserves and to make, publish, and amend ~~from time to time~~ reasonable rules ~~and regulations~~ necessary or advisable for the use and protection of nature preserves and for the business of the department.
3. To encourage and recommend the dedication of natural areas as nature preserves.
4. To acquire land adjacent to any nature preserve when necessary to serve as a protective buffer or service area, or both, for the nature preserve. No such buffer or service area ~~shall be~~ is a nature preserve unless an estate, interest, or right therein is thereafter dedicated as a nature preserve under ~~the provisions of~~ this chapter.
5. To cooperate and contract with any agency, organization, or individual.
6. To accept, administer, and use for the purposes of this chapter, gifts, grants, devises, and bequests of money, securities, and other property, conditional or unconditional, but the department may refuse any gift, grant, devise, or bequest which is upon terms or conditions unacceptable to it.
7. To make surveys and maintain registers and records of nature preserves and other natural areas within the state.
8. To promote, and to conduct or contract for, research and investigation of nature preserves and other natural areas within the state.
9. To carry on interpretive programs and publish and disseminate information pertaining to nature preserves and other natural areas within the state.
10. To promote and assist in the establishment, restoration, and protection of, and advise in the management of, natural areas, and to foster and aid in the establishment,

restoration, and preservation of natural conditions within the state elsewhere than in the system.

11. ~~To authorize payment of travel and other necessary expenses of the members of the advisory board; the travel expenses to be prorated among the five departments;~~
- ~~+2-~~ To design and control the use of official state nature preserve signs and to recommend to the department of transportation locations for such signs.
- ~~+3-~~ 12. To submit to the governor an annual report on or before December thirty-first of each year, which shall account for each nature preserve in the system and make such other reports and recommendations as the department may deem advisable.
- ~~+4-~~ 13. To adopt and enforce suitable rules relating to the protection, care, and use of any state nature preserve or state-owned or state-managed natural area. The violation of any such rule constitutes an infraction.

#### SECTION 37. Tourism division.

1. There is established in the parks and tourism department a tourism division to foster and promote tourism to, and within, the state and the full development of the state's tourism resources, and to serve as a planning and coordinating agency for tourism-related programs of the state and the state's political subdivisions. All functions, powers, and duties of the tourism division of the economic development commission are transferred to the parks and tourism department.
2. The director of the parks and tourism department shall supervise and control the tourism division. The director shall appoint a director of the tourism division, after consultation with the parks and tourism advisory board. The tourism director must be qualified by training, knowledge, and experience that is necessary to ensure professional competency in carrying out the duties enumerated in section 38 of this Act.

SECTION 38. Duties of director. The director of tourism, within the limits of legislative appropriations and subject to the approval of the director of the parks and tourism department, shall:

1. Implement the state's tourism policy;
2. Prepare and update annually a tourism master plan for the development of tourism in the state which identifies the state's tourism resources, estimates the impact of tourism on the state's economy, and proposes a five-year plan for activities of the division;
3. Measure and forecast visitor volume, receipts, and related social and economic impacts;
4. Work with the private sector and local, state, and federal agencies to develop the state's tourism-related infrastructure, facilities, services, and attractions, including the state's highways and parks;
5. Organize and coordinate programs designed to promote tourism to, and within, the state through various means, including:
  - a. Display advertising in magazines and newspapers;

- b. Advertising on radio and television or other advertising media;
  - c. Publishing pamphlets, brochures, and other graphic and pictorial materials; and
  - d. Aiding and assisting representatives of the media to ensure greater coverage of the state's visitor attractions;
6. Participate in travel shows;
  7. Supervise and administer visitor information centers that receive funding from the state;
  8. Develop opportunities for professional and technical education and training in the visitor industry;
  9. Foster an understanding among the state's residents of the economic importance to the state of hospitality and tourism;
  10. Cooperate with local, state, and federal agencies and organizations and the private sector for the promotion and development of tourism to, and within, the state;
  11. Provide advice and technical assistance to local, public, and private tourism organizations in promoting and developing tourism; and
  12. Monitor the policies and programs of state agencies that significantly affect the visitor industry, notify those agencies of the effects of their actions on travel to, and within the state, and if necessary recommend programs or policy changes to those agencies.

SECTION 39. Matching grant program for tourism promotion and development.

1. The director of the parks and tourism department shall make grants for tourism promotion and development, within the limits of legislative appropriations, to cities, park districts, boards of county park commissioners, nonprofit corporations, or local nonprofit civic, fraternal, or service organizations in the state. The grants made under this subsection may not exceed seventy-five percent of the entire amount of the actual expenditures for a proposed program or project that the director determines is consistent with state tourism policy and will promote or develop visitor travel to, or within, the state, including:
  - a. Promotion of tourism-related attractions and activities.
  - b. Construction, improvement, or operation of visitor destination facilities and tourist attractions.
  - c. Development and preservation of attractions of recreational and tourist interest.
  - d. Conducting of tourism seminars and training programs.
2. The director of the parks and tourism department shall make grants, within the limits of legislative appropriations, for the purpose of assisting entrepreneurs in developing or improving tourism products or services in the state. A person eligible to receive a grant under this subsection must be a resident of this state and have less than two years of experience in providing a tourism product or service as the

sole owner, or in partnership with another person who qualifies to receive a grant under this subsection, of a tourism business located within this state. A grant made under this subsection may not exceed fifty percent of the actual expenditures associated in the development or improvement of the tourism product or service, and the director must determine that the tourism product or service is consistent with state tourism policy and will promote or develop visitor travel to, or within, the state.

3. The director of the parks and tourism department shall adopt rules to implement this section, including application procedures and additional qualifications for eligibility to receive matching grants.

SECTION 40. AMENDMENT. Subsection 6 of section 57-39.2-28 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6. Notwithstanding ~~the provisions~~ of section 57-39.2-23, the commissioner may provide names and addresses of Canadian residents claiming a North Dakota sales tax refund to the director of the tourism division of the parks and tourism department.

SECTION 41. AMENDMENT. Section 61-29-04 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

61-29-04. Administration. This chapter must be administered by a Little Missouri River commission composed of the director of the ~~state~~ parks and ~~recreation~~ tourism department, the state health officer of the state department of health and consolidated laboratories, the chief engineer of the state water commission, or their designated representatives, and one member from each of the following counties: McKenzie, Billings, Slope, Golden Valley, Dunn, and Bowman. The commission members representing the above-mentioned counties must be appointed by their respective boards of county commissioners and shall serve without compensation except that each appointing board of county commissioners may reimburse its county representative for actual and necessary mileage to and from meetings of the commission at the same rate as state officers. The county representatives appointed must be resident landowners who live adjacent to the Little Missouri River with the exception of the Golden Valley county representative. A county representative unable to attend a meeting of the commission may be represented by a person who has a written proxy from the representative authorizing that person to act and vote for the representative. The proxy must be a resident landowner of the county that the proxy is representing, but need not live adjacent to the Little Missouri River. The county members shall serve terms of office as follows: two members shall serve one-year terms, two members shall serve two-year terms, and two members shall serve three-year terms.

SECTION 42. AMENDMENT. Subsection 1 of section 61-33-09 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. The board consists of the manager of the Garrison Diversion Conservancy District, the state engineer, the commissioner of university and school lands, the director of ~~state~~ parks and ~~recreation~~ tourism department, the state game and fish commissioner, and the state health officer, or their representative.

SECTION 43. Parks and tourism department - Administrative rules. Rules adopted by the director of the state parks and recreation department or any other agency or department transferred to the parks

and tourism department under this Act remain in effect until specifically amended or repealed.

SECTION 44. REPEAL. Sections 55-08-01 and 55-08-03 of the North Dakota Century Code, and sections 55-11-04 and 55-11-10 of the 1989 Supplement to the North Dakota Century Code are repealed."

Renumber accordingly

#### CONSIDERATION OF AMENDMENTS

SB 2054: SEN. Keller (Committee on State and Federal Government) MOVED that the amendments be adopted with DO PASS, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2054: A BILL for an Act to establish a state department of tourism; and to amend and reenact sections 24-03-21, 54-34-01, subsection 2 of section 54-34-06, and subsection 6 of section 57-39.2-28 of the North Dakota Century Code, relating to tourism functions of the economic development 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 53 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Soiberg; Stenehjem; Strefibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

SB 2054 passed and the title was agreed to.

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#### REPORT OF STANDING COMMITTEE

SB 2022: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 13, replace "504,610" with "477,418"

Page 1, line 15, replace "2,263,451" with "2,236,259"

Page 1, line 17, replace "1,400,141" with "1,372,949"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### DEPARTMENT 360 - PROTECTION AND ADVOCACY PROJECT

The operating expenses line item is reduced by \$27,192 from the general fund to reduce funding to contract for legal services from \$102,192 to \$75,000.

#### CONSIDERATION OF AMENDMENTS

SB 2022: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments be adopted with DO PASS, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2022: A BILL for an Act making an appropriation for defraying the expenses of the protection and advocacy project.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: David; DeKrey; Marks; Moore; Naaden; Streibel; Tennefos

SB 2022 passed and the title was agreed to.

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## MOTION

SEN. WOGSLAND MOVED that SB 2231 be placed at the top of the Sixth order, which motion prevailed.

## REPORT OF STANDING COMMITTEE

SB 2231: 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 3, remove "; and to provide"

Page 1, line 4, remove "an appropriation"

Page 4, remove lines 4 through 9

Re-number accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 301 - DEPARTMENT OF HEALTH AND CONSOLIDATED LABORATORIES  
DEPARTMENT 602 - AGRICULTURE DEPARTMENT

This amendment deletes the appropriation of \$300,000 to the State Department of Health and Consolidated Laboratories and \$25,000 to the Commissioner of Agriculture from the environment and rangeland protection fund for programs relating to the protection of ground water resources.

## CONSIDERATION OF AMENDMENTS

SB 2231, as engrossed: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments be adopted with DO PASS, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2231: A BILL 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.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 53 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Stenehjelm; Streibel; Tallackson; Teneffos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

SB 2231 passed and the title was agreed to.

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#### MOTIONS

SEN. WOGSLAND MOVED that the Senate stand in recess until 7:15 p.m., which motion prevailed.

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

SEN. WOGSLAND MOVED that SB 2004 be moved to the top of the calendar, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

SB 2004: 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 4, remove "a statement of"

Page 1, line 5, after "intent" insert "statements" and after "adjustments" insert "and to the building of a state office building complex"

Page 2, line 6, replace "2,000,000" with "2,000,000"

Page 2, remove line 7

Page 2, line 8, replace "35,927,246" with "35,697,246"

Page 2, line 10, replace "7,711,870" with "7,481,870"

Page 2, line 17, replace "2,025,000" with "5,025,000"

Page 2, line 18, replace "7,629,565" with "10,629,565"

Page 2, line 19, replace "975,000" with "5,025,000"

Page 2, line 20, replace "6,654,565" with "5,604,565"

Page 3, line 8, replace "14,366,435" with "13,316,435"

Page 3, line 9, replace "69,891,398" with "74,641,398"

Page 3, line 10, replace "84,257,833" with "87,957,833"

Page 3, line 26, remove "APPROPRIATION - "

Page 3, line 27, replace "s975,000" with "s2,025,000"

Page 3, line 28, replace "is hereby appropriated" with ", is to be spent by the facility management division"

Page 3, line 29, remove "to the facility management division of the office of"

Page 4, line 1, replace "management and budget for" with "during"

Page 4, line 11, replace "to the office" with "out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$230,000, or so much thereof as may be necessary, to the office of management and budget for the purpose of funding a supported employment

program for the biennium beginning July 1, 1991, and ending June 30, 1993."

Page 4, remove lines 12 and 13

Page 4, line 27, replace "committee is also" with "emergency commission is"

Page 5, replace lines 1 through 3 with "State agencies and institutions upon emergency commission approval may spend special funds not to exceed an aggregate of \$700,000, which funds are hereby appropriated for the supported employment program during the biennium beginning July 1, 1991, and ending June 30, 1993."

Page 5, line 10, remove "- APPROPRIATION"

Page 5, line 11, replace "\$1,050,000" with "\$4,050,000" and replace "general fund" with "special funds"

Page 5, line 12, after "Act" insert "including \$1,050,000 from the capitol building fund" and replace "hereby appropriated to" with "to be spent by"

Page 5, line 14, after "building" insert "and for developing a master plan for financing and building an initial building as part of a state office building complex"

Page 5, after line 15, insert:

"SECTION 9. LEGISLATIVE INTENT - STATE OFFICE BUILDING COMPLEX. It is the intent of the fifty-second legislative assembly that the appropriation in section 8 of this Act be from special funds such as the state land board, public employees retirement system, or industrial commission bond program and that these funds receive a competitive return to provide financing for the state office building complex project. It is intended that the state office building complex be developed on the capitol grounds with the concurrence of the capitol grounds planning commission and be built in stages with one unit of approximately 30,000 to 40,000 square feet to be built with the appropriation in section 8 of this Act. Subsequent units are to be built at a rate that minimizes the impact of the additional space on local real estate markets."

Page 5, line 16, replace "Section" with "The capital improvements line in subdivision 2 of section 1 and section" and replace "is" with "are"

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

Sections 5 and 8 are amended to remove the term appropriation from sections where funds are already appropriated in Section 1. Section 7 is amended to specifically appropriate \$700,000 in special funds for the supported employment program. The general fund appropriation of \$230,000 for this program is reflected in Section 7 and is removed from Section 1.

This amendment changes the source of funding of \$1,050,000 for renovating the State Office Building to the Capitol building fund. Also, \$3,000,000 from special fund sources is provided for a building in the State Office Building complex.

A legislative intent section is added to provide that the appropriation for the State Office Building complex be from such special funds such as the Capitol building fund, State Land Board, Public Employees Retirement System, or Industrial Commission bond program. Also, the State Office Building

complex is to be built on the Capitol grounds in stages with the concurrence of the Capitol Grounds Planning Commission.

This amendment decreases the total general fund appropriation by \$1,050,000, increases the total special funds appropriation by \$4,750,000, and increases the net total appropriation by \$3,700,000.

#### CONSIDERATION OF AMENDMENTS

SB 2004: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments be adopted with DO PASS.

#### REQUEST

SEN. LIPS REQUESTED that the Senate divide the proposed amendments to SB 2004, which request was granted.

#### DIVISION I

Page 1, line 4, remove "a statement of"

Page 1, line 5, after "intent" insert "statements" and after "adjustments" insert "and to the building of a state office building complex"

Page 2, line 6, replace "2,000,000" with "2,000,000"

Page 2, remove line 7

Page 2, line 8, replace "35,927,246" with "35,697,246"

Page 2, line 10, replace "7,711,870" with "7,481,870"

Page 3, line 8, replace "14,366,435" with "13,316,435"

Page 3, line 9, replace "69,891,398" with "74,641,398"

Page 3, line 10, replace "84,257,833" with "87,957,833"

Page 3, line 26, remove "APPROPRIATION - "

Page 3, line 27, replace "\$975,000" with "\$2,025,000"

Page 3, line 28, replace "is hereby appropriated" with ", is to be spent by the facility management division"

Page 3, line 29, remove "to the facility management division of the office of"

Page 4, line 1, replace "management and budget for" with "during"

Page 4, line 11, replace "to the office" with "out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$230,000, or so much thereof as may be necessary, to the office of management and budget for the purpose of funding a supported employment program for the biennium beginning July 1, 1991, and ending June 30, 1993."

Page 4, remove lines 12 and 13

Page 4, line 27, replace "committee is also" with "emergency commission is"

Page 5, replace lines 1 through 3 with "State agencies and institutions upon emergency commission approval may spend special funds not to exceed an aggregate of \$700,000, which funds are hereby appropriated for the supported employment program during the biennium beginning July 1, 1991, and ending June 30, 1993."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

## DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

Sections 5 and 8 are amended to remove the term appropriation from sections where funds are already appropriated in Section 1. Section 7 is amended to specifically appropriate \$700,000 in special funds for the supported employment program. The general fund appropriation of \$230,000 for this program is reflected in Section 7 and is removed from Section 1.

This amendment changes the source of funding of \$1,050,000 for renovating the State Office Building to the Capitol building fund. Also, \$3,000,000 from special fund sources is provided for a building in the State Office Building complex.

A legislative intent section is added to provide that the appropriation for the State Office Building complex be from such special funds such as the Capitol building fund, State Land Board, Public Employees Retirement System, or Industrial Commission bond program. Also, the State Office Building complex is to be built on the Capitol grounds in stages with the concurrence of the Capitol Grounds Planning Commission.

This amendment decreases the total general fund appropriation by \$1,050,000, increases the total special funds appropriation by \$4,750,000, and increases the net total appropriation by \$3,700,000.

## DIVISION II

Page 2, line 17, replace "2,025,000" with "5,025,000"

Page 2, line 18, replace "7,629,565" with "10,629,565"

Page 2, line 19, replace "975,000" with "5,025,000"

Page 2, line 20, replace "6,654,565" with "5,604,565"

Page 5, line 10, remove "-- APPROPRIATION"

Page 5, line 11, replace "\$1,050,000" with "\$4,050,000" and replace "general fund" with "special funds"

Page 5, line 12, after "Act" insert "including \$1,050,000 from the capitol building fund" and replace "hereby appropriated to" with "to be spent by"

Page 5, line 14, after "building" insert "and for developing a master plan for financing and building an initial building as part of a state office building complex"

Page 5, after line 15, insert:

"SECTION 9. LEGISLATIVE INTENT - STATE OFFICE BUILDING COMPLEX. It is the intent of the fifty-second legislative assembly that the appropriation in section 8 of this Act be from special funds such as the state land board, public employees retirement system, or industrial commission bond program and that these funds receive a competitive return to provide financing for the state office building complex project. It is intended that the state office building complex be developed on the capitol grounds with the concurrence of the capitol grounds planning commission and be built in stages with one unit of approximately 30,000 to 40,000 square feet to be built with the appropriation in section 8 of this Act. Subsequent units are to be built at a rate that minimizes the impact of the additional space on local real estate markets."

Page 5, line 16, replace "Section" with "The capital improvements line in subdivision 2 of section 1 and section" and replace "is" with "are"

Renumber accordingly

REQUEST

SEN. TENNEFOS REQUESTED a recorded roll call vote on the motion to adopt Division I and Division II of the proposed amendments to SB 2004, which request was granted.

ROLL CALL

The question being on the motion to adopt Division I of the proposed amendments to SB 2004, the roll was called and there were 41 YEAS, 12 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: David; DeKrey; Freborg; Hanson, O.; Marks; Moore; Mutch; Naaden; Solberg; Streibel; Tennefos; Vosper

Division I of the proposed amendments to SB 2004 was adopted.

ROLL CALL

The question being on the motion to adopt Division II of the proposed amendments to SB 2004, the roll was called and there were 19 YEAS, 34 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Graba; Hanson, E.; Heigaard; Ingstad; Jerome; Keller; Kelly; Lindaas; Marks; Mathern; Mushik; Redlin; Robinson; Satrom; Schoenwald; Tallackson; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, O.; Heinrich; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Lips; Maxson; Meyer; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Solberg; Stenehjem; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper

Division II of the proposed amendments to SB 2004 lost.

MOTION

SEN. LIPS MOVED that Engrossed SB 2004 be amended as follows:

Page 1, line 4, after "provide" insert "a statement of"

Page 1, line 5, remove "statements" and remove "and to the"

Page 1, line 6, remove "building of a state office building complex"

Page 1, line 8, remove "; and to declare an emergency"

Page 5, remove lines 13 through 20

Renumber accordingly

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

The emergency clause was removed as a result of the failure of Division II and the adoption of the floor amendment.

SECOND READING OF SENATE BILL

SB 2004: A BILL for an Act to make an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget; to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code; to provide a statement of legislative intent relating to state employee

compensation adjustments; and to establish a committee to authorize public sector supported employment in state agencies and institutions.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 12 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Bowman; David; DeKrey; Hanson, O.; Marks; Moore; Mutch; Naaden; Solberg; Streibel; Tennefos; Vosper

SB 2004 passed and the title was agreed to.

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#### MOTIONS

SEN. WOGSLAND MOVED that the vote by which SB 2527, SB 2277, SB 2077, SB 2053, SB 2055, SB 2056, and SB 2079 lost be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. WOGSLAND MOVED that the vote by which SB 2001, SB 2005, SB 2099, SB 2024, SB 2119, SB 2126, SB 2211, SB 2225, SB 2346, SB 2451, SB 2515, SB 2541, SB 2170, SB 2168, SB 2069, SB 2034, SB 2002, SB 2054, SB 2022, SB 2231, and SB 2004 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. WOGSLAND MOVED that the rules be suspended and that SB 2001, SB 2005, SB 2019, SB 2024, SB 2119, SB 2126, SB 2211, SB 2225, SB 2346, SB 2451, SB 2515, SB 2541, SB 2170, SB 2168, SB 2069, SB 2034, SB 2002, SB 2054, SB 2022, SB 2231, and SB 2004 be messaged to the House immediately, which motion prevailed.

SEN. WOGSLAND MOVED that SB 2312 be placed at the top of the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2312: A BILL for an Act to provide an appropriation to maintain, develop, and interpret Fort Totten state historic site, Fort Buford state historic site, and Fort Seward state historic site; and to declare an emergency.

#### ROLL CALL

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

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

NAYS: Graba; Heigaard; Krauter; O'Connell; Streibel; Wogsland

SB 2312 passed and the title was agreed to.

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SB 2258: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, after "fund" insert "; to provide for a transfer from the budget stabilization fund; and to prohibit a transfer from the general fund to the budget stabilization fund"

Page 2, remove lines 16 and 17

Page 2, line 18, remove "balance at the beginning of the biennium." and overstrike "Moneys in the budget stabilization"

Page 2, overstrike lines 19 through 22

Page 2, line 23, overstrike "Dakota." and insert immediately thereafter "For purposes of this section, "general fund revenues for the biennium" and "general fund revenue projections for the biennium" include the general fund balance at the beginning of the biennium."

SECTION 3. BUDGET STABILIZATION FUND - TRANSFER. The state treasurer shall transfer the balance in the budget stabilization fund to the general fund on July 1, 1991.

SECTION 4. GENERAL FUND TRANSFER - PROHIBITED. Notwithstanding section 54-27.2-02, the state treasurer may not make a transfer from the general fund to the budget stabilization fund during the biennium beginning July 1, 1991, and ending June 30, 1993, based on the general fund balance for the biennium ending June 30, 1993."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes the provision that the Legislative Assembly may provide for a transfer of funds from the budget stabilization fund to the common schools trust fund. In addition, this amendment provides for a transfer of the budget stabilization fund balance on July 1, 1991, to the general fund and eliminates a transfer from the general fund to the budget stabilization fund based on the 1989-91 biennium ending general fund balance.

#### CONSIDERATION OF AMENDMENTS

SB 2258: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments be adopted with DO PASS, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2258: A BILL for an Act to amend and reenact sections 54-27.2-01 and 54-27.2-03 of the North Dakota Century Code, relating to transfers of funds from the budget stabilization fund; to provide for a transfer from the budget stabilization fund; and to prohibit a transfer from the general fund to the budget stabilization 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 41 YEAS, 12 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: 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; Mushik; Nalewaja; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjelm; Tallackson; Thane; Traynor; Vosper; Wogsland; Yockim

NAYS: Bowman; David; Moore; Mutch; Naaden; Nelson; Nething; O'Connell; Solberg; Streibel; Tennefos; Tomac

SB 2258 passed and the title was agreed to.

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REPORT OF STANDING COMMITTEE

SB 2384, as reengrossed: 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 2, remove "person and the"

Page 1, line 10, remove "and"

Page 1, line 11, after "appropriation" insert "; and to provide an effective date"

Page 1, line 13, remove "Person and family -"

Page 1, remove lines 14 and 15

Page 1, line 19, remove "The state, in supporting family life, should give priority to"

Page 1, line 20, remove "protecting life in all its stages."

Page 2, line 1, remove "that drive women to seek abortions."

Page 2, line 2, remove "Children have the"

Page 2, remove lines 3 and 4

Page 2, line 5, remove "taken which will provide parents with viable alternatives to abortion."

Page 2, line 20, remove "first"

Page 3, line 7, remove "1."

Page 3, line 8, replace "a" with "1"

Page 3, line 21, replace "b" with "2"

Page 3, line 27, replace "c" with "3"

Page 4, line 1, replace "d" with "4"

Page 4, remove lines 6 through 8

Page 8, line 10, replace "\$1,669,802" with "\$1,034,050"

Page 8, line 15, replace "1,270,752" with "635,000"

Page 8, line 17, after "7" insert "of"

Page 8, after line 18, insert:

"SECTION 10. EFFECTIVE DATE. Section 5 of this Act becomes effective July 1, 1992."

Renumber accordingly

CONSIDERATION OF AMENDMENTS

SB 2384: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2384: A BILL for an Act to adopt a statement of legislative policy relating to the person and the family; to provide for family life education; to create and enact two new sections to title 50, a new subsection to section 50-06-05.1, a new section to chapter 50-09, and a new section to chapter 50-11.1 of the North Dakota Century Code, relating to the coordination of services for pregnant women, benefits for pregnant women, aid to dependent children and medical assistance for adopted children with special needs, and early childhood services resource and referral programs; to amend and reenact subsection 3 of section 54-52.4-01 of the North Dakota Century Code, relating to the definition of employer with respect to family leave; 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, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Langley; Lindaas; Lips; Marks; Mathern; Meyer; Mushik; Naaden; Nalewaja; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Tenefos; Thane; Tomac; Traynor; Vesper; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Hanson, O.; Kinnoin; Krebsbach; Lindgren; Maxson; Moore; Mutch; Nelson; Nething; Peterson; Solberg; Streibel

ABSENT AND NOT VOTING: Holmberg

SB 2384 passed and the title was agreed to.

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REPORT OF STANDING COMMITTEE

SB 2016: 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 ", history," and replace "providing for an appropriation" with "the state historical board; authorizing the issuance of revenue bonds for a bison herd and interpretive center; and providing a statement of legislative intent regarding interagency cooperation."

Page 1, remove line 3

Page 1, line 9, remove ", history," and after "tourism" insert "and the state historical board"

Page 1, after 11, insert:

"Subdivision 1.

DEPARTMENT OF PARKS AND TOURISM"

Page 1, line 12, replace "7,498,635" with "4,113,089"

Page 1, line 13, replace "118,600" with "56,000"

Page 1, line 14, replace "6,119,345" with "5,226,480"

Page 1, line 15, replace "360,819" with "186,060"

Page 1, line 16, replace "1,857,204" with "517,600"

Page 1, line 17, replace "4,206,080" with "3,706,080"

Page 1, after line 17, insert:

"Parks and historic sites improvements 1,900,000"

Page 1, line 18, replace "20,160,683" with "15,705,309"

Page 1, line 19, replace "6,720,323" with "5,609,905"

Page 1, line 20, replace "13,440,360" with "10,095,404"

Page 1, replace lines 21 through 22 with:

"Subdivision 2.

STATE HISTORICAL BOARD

Salaries and wages	\$ 3,235,546
Information services	71,600
Operating expenses	783,865
Equipment	124,759
Capital improvements	339,604
Grants, benefits, and claims	500,000
Total all funds	<u>\$ 5,055,374</u>
Less estimated income	1,710,418
Total general fund appropriation	<u>\$ 3,344,956</u>
Grand total general fund appropriation SB 2016	\$13,977,860
Grand total special funds appropriation SB 2016	8,220,323
Grand total all funds SB 2016	<u>\$22,198,183"</u>

Page 2, remove lines 1 through 3

Page 2, line 4, remove "- APPROPRIATION"

Page 2, line 6, replace ". is hereby appropriated" with "in subdivision 1 of section 1 of this Act is" and replace "to the department of" with a period

Page 2, remove lines 7 through 8

Page 2, line 9, remove "- APPROPRIATION"

Page 2, line 11, replace the comma with "in subdivision 1 of section 1 of this Act", remove "hereby appropriated", and replace "to" with a period

Page 2, replace lines 12 through 19 with:

"SECTION 4. FILM PRODUCTION RECRUITMENT UNIT - APPROPRIATION.

There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$62,500, or so much thereof as may be necessary, to the department of parks and tourism for the purpose of funding a director position for the film production recruitment unit within the department for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 5. LAND ACQUISITION - APPROPRIATION. There is hereby appropriated the sum of \$100,000, out of any moneys in the general fund in the state treasury, not otherwise appropriated, and \$100,000 from special funds derived from other income, or so much thereof as may be necessary, to the department of parks and tourism for the purpose of acquiring the seventh day adventist camp property adjacent to the lake metigoshe state park for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 6. HISTORIC SITE MASTER PLANNING - APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$75,000, or so much thereof as may be necessary, to the state historical board for the purpose of developing master plans at the fort buford historical site,

the fort seward historic site, and the fort totten historic site for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 7. BOND ISSUANCE - PURPOSE - CONTINGENCY. The department of parks and tourism, in accordance with chapter 55-08, is hereby authorized to issue and sell revenue bonds in any amount up to but not exceeding \$250,000 for the purpose of a bison herd and interpretive center contingent upon the department collecting at least \$100,000 of public or private funds for the project. Bonds issued under the provisions of this Act shall not become a general obligation of the state of North Dakota.

SECTION 8. USE OF PROCEEDS - APPROPRIATION. The \$250,000 of proceeds resulting from the sale of bonds authorized under section 6, or so much thereof as may be necessary, plus \$550,000, or so much thereof as may be necessary, received from public, private, or other funds are hereby appropriated for the bison herd and interpretive center authorized in section 6.

SECTION 9. MATCHING GRANTS - APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$300,000, or so much thereof as may be necessary, to the department of parks and tourism for the purpose of the matching grant program for tourism promotion and development, for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 10. DEPARTMENT OF PARKS AND TOURISM - PARKS AND HISTORIC SITES IMPROVEMENTS. The parks and historic sites improvements line item in subdivision 1 of section 1 of this Act includes \$600,000 from the general fund which the department of parks and tourism shall use for purposes determined by the state historical board and the interagency working group as provided in section 11 of this Act. The director of the parks and tourism department may transfer \$600,000, or so much thereof as may be necessary, from this line item to the state historical board.

SECTION 11. LEGISLATIVE INTENT - INTERAGENCY COOPERATION. It is the intent of the legislative assembly that North Dakota tourism benefit from comprehensive planning and cooperation between the department of parks and tourism and the state historical board. It is the intent of the legislative assembly that the governor organize an interagency working group to ensure communication, joint planning, and maximum cooperation among these agencies. Further, it is the intent of the legislative assembly that the planning and development of parks and historic sites be conducted by the respective departments as determined by the interagency working group."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 701 - STATE HISTORICAL BOARD

This amendment separates the appropriation for the Historical Society from the Department of Parks and Tourism in an amount of \$5,055,374, of which \$3,344,956 is from the general fund, \$1,073,899 is from federal funds, and \$636,519 is from other funds, and providing 52 FTE positions. The other funds appropriation includes \$600,000 of funds which may be transferred from the Department of Parks and Tourism to the Historical Society for the following:

Temporary salaries	\$165,000
Planning	245,000
Equipment	70,000
Capital improvements	120,000
Total	\$600,000

Section 6 appropriates \$75,000 from the general fund for developing master plans for the Fort Buford, Fort Seward, and Fort Totten historic sites.

The total change to the executive budget recommendation is a general fund increase of \$75,000, from \$3,344,956 to \$3,419,956, and a special fund increase of \$600,000, from \$1,110,418 to \$1,710,418.

#### DEPARTMENT 740 - DEPARTMENT OF PARKS AND TOURISM

This amendment separates the appropriation for the Historical Society from the Department of Parks and Tourism and provides the Department of Parks and Tourism funding of \$15,705,309, of which \$10,095,404 is from the general fund, \$2,624,061 is from federal funds, and \$2,985,844 from other funds, and includes 48 FTE positions. Funding enhancements of \$1,900,000, \$1,700,000 of which is from the general fund and \$200,000 of other funds for parks and historic sites planning and improvements provided in the executive budget are combined in the parks and historic sites improvements line item. An amount of \$600,000 from the general fund included in this line item is to be used for historic sites planning and development as provided in sections 10 and 11.

In addition, this amendment makes the following changes to the executive budget recommendation:

- One FTE planning position provided in the executive budget is eliminated. The funding for the position of \$49,756 from the general fund is transferred to temporary salaries.
- Section 4 appropriates \$62,500 from the general fund for one FTE director position for the film production recruitment unit.
- Section 5 appropriates \$200,000, \$100,000 from the general fund and \$100,000 of other funds for the acquisition of the Seventh Day Adventist Camp property adjacent to Lake Metigoshe State Park.
- Sections 7 and 8 authorize the issuance of \$250,000 of revenue bonds for the Bison Herd and Interpretive Center contingent upon the department raising at least \$100,000 of public or private funds for the project. The proceeds of the revenue bonds plus up to \$550,000 of special funds derived from public, private, or other sources, are appropriated for a study regarding the location of the Bison Herd and Interpretive Center of \$50,000 and for the construction and other costs of the project of \$750,000.
- Section 9 appropriates \$300,000 from the general fund for a tourism matching grant program as provided in Senate Bill No. 2054.
- The total change to the executive budget recommendation is a general fund increase of \$462,500, from \$10,095,404 to \$10,557,904, and a special funds increase of \$900,000, from \$5,609,905 to \$6,509,905.

#### REQUEST

SEN. SATROM REQUESTED that the following portion of the amendments to SB 2016, recommended by the Committee on Appropriations, as printed below:

"SECTION 8. USE OF PROCEEDS - APPROPRIATION. The \$250,000 of proceeds resulting from the sale of bonds authorized under section 6, or so much thereof as may be necessary, plus \$550,000, or so much thereof as may be necessary, received from public, private, or other funds are hereby appropriated for the bison herd and interpretive center authorized in section 6."

Be amended as follows:

"SECTION 8. USE OF PROCEEDS - APPROPRIATION. The \$250,000 of proceeds resulting from the sale of bonds authorized under section 7,

or so much thereof as may be necessary, plus \$550,000, or so much thereof as may be necessary, received from public, private, or other funds are hereby appropriated for the bison herd and interpretive center authorized in section 7."

#### MOTION

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

#### REQUEST

SEN. SATROM REQUESTED that the following portion of the amendments to SB 2016, recommended by the Committee on Appropriations, as amended and as printed below:

"SECTION 8. USE OF PROCEEDS - APPROPRIATION. The \$250,000 of proceeds resulting from the sale of bonds authorized under section 7, or so much thereof as may be necessary, plus \$550,000, or so much thereof as may be necessary, received from public, private, or other funds are hereby appropriated for the bison herd and interpretive center authorized in section 7."

Be amended as follows:

"SECTION 8. USE OF PROCEEDS - APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much thereof as may be necessary, to the department of parks and tourism for the purpose of planning for the initial development for the bison herd and interpretive center authorized in section 7. The \$250,000 of proceeds resulting from the sale of bonds authorized under section 7, or so much thereof as may be necessary, plus \$550,000, or so much thereof as may be necessary, received from public, private, or other funds are hereby appropriated for the bison herd and interpretive center authorized in section 7."

#### MOTION

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

#### CONSIDERATION OF AMENDMENTS

SB 2016: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments be adopted with DO PASS.

#### REQUEST

SEN. SATROM REQUESTED that the question of the adoption of the amendments to SB 2016 be divided to have the sections voted on separately in the following manner:

#### DIVISION I

SECTION 6. HISTORIC SITE MASTER PLANNING - APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$75,000, or so much thereof as may be necessary, to the state historical board for the purpose of developing master plans at the fort buford historical site, the fort seward historic site, and the fort totten historic site for the biennium beginning July 1, 1991, and ending June 30, 1993.

#### DIVISION II

SECTION 7. BOND ISSUANCE - PURPOSE - CONTINGENCY. The department of parks and tourism, in accordance with chapter 55-08, is hereby authorized to issue and sell revenue bonds in any amount up to but not exceeding \$250,000 for the purpose of a bison herd and interpretive center contingent upon the department collecting at least \$100,000 of public or private funds for the project. Bonds issued under the provisions of this Act shall not become a general obligation of the state of North Dakota.

SECTION 8. USE OF PROCEEDS - APPROPRIATION. The \$250,000 of proceeds resulting from the sale of bonds authorized under section 6, or so much

thereof as may be necessary, plus \$550,000, or so much thereof as may be necessary, received from public, private, or other funds are hereby appropriated for the bison herd and interpretive center authorized in section 6.

#### DIVISION III

SECTION 4. FILM PRODUCTION RECRUITMENT UNIT - APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$62,500, or so much thereof as may be necessary, to the department of parks and tourism for the purpose of funding a director position for the film production recruitment unit within the department for the biennium beginning July 1, 1991, and ending June 30, 1993.

#### DIVISION IV

SECTION 5. LAND ACQUISITION - APPROPRIATION. There is hereby appropriated the sum of \$100,000, out of any moneys in the general fund in the state treasury, not otherwise appropriated, and \$100,000 from special funds derived from other income, or so much thereof as may be necessary, to the department of parks and tourism for the purpose of acquiring the seventh day adventist camp property adjacent to the lake metigoshe state park for the biennium beginning July 1, 1991, and ending June 30, 1993.

#### DIVISION V

SECTION 9. MATCHING GRANTS - APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$300,000, or so much thereof as may be necessary, to the department of parks and tourism for the purpose of the matching grant program for tourism promotion and development, for the biennium beginning July 1, 1991, and ending June 30, 1993.

#### DIVISION VI

Page 1, line 2, remove ", history," and replace "providing for an appropriation" with "the state historical board; authorizing the issuance of revenue bonds for a bison herd and interpretive center; and providing a statement of legislative intent regarding interagency cooperation."

Page 1, remove line 3

Page 1, line 9, remove ", history," and after "tourism" insert "and the state historical board"

Page 1, after 11, insert:

"Subdivision 1.

#### DEPARTMENT OF PARKS AND TOURISM"

Page 1, line 12, replace "7,498,635" with "4,113,089"

Page 1, line 13, replace "118,600" with "56,000"

Page 1, line 14, replace "6,119,345" with "5,226,480"

Page 1, line 15, replace "360,819" with "186,060"

Page 1, line 16, replace "1,857,204" with "517,600"

Page 1, line 17, replace "4,206,080" with "3,706,080"

Page 1, after line 17, insert:

"Parks and historic sites improvements

1,900,000"

Page 1, line 18, replace "20,160,683" with "15,705,309"

Page 1, line 19, replace "6,720,323" with "5,609,905"

Page 1, line 20, replace "13,440,360" with "10,095,404"

Page 1, replace lines 21 through 22 with:

"Subdivision 2.

STATE HISTORICAL BOARD

Salaries and wages	\$ 3,235,546
Information services	71,600
Operating expenses	783,865
Equipment	124,759
Capital improvements	339,604
Grants, benefits, and claims	500,000
Total all funds	\$ 5,055,374
Less estimated income	1,710,418
Total general fund appropriation	\$ 3,344,956
Grand total general fund appropriation SB 2016	\$13,977,860
Grand total special funds appropriation SB 2016	8,220,323
Grand total all funds SB 2016	\$22,198,183"

Page 2, remove lines 1 through 3

Page 2, line 4, remove "- APPROPRIATION"

Page 2, line 6, replace ", is hereby appropriated" with "in subdivision 1 of section 1 of this Act is" and replace "to the department of" with a period

Page 2, remove lines 7 through 8

Page 2, line 9, remove "- APPROPRIATION"

Page 2, line 11, replace the comma with "in subdivision 1 of section 1 of this Act", remove "hereby appropriated", and replace "to" with a period

Page 2, replace lines 12 through 19 with:

SECTION 10. DEPARTMENT OF PARKS AND TOURISM - PARKS AND HISTORIC SITES IMPROVEMENTS. The parks and historic sites improvements line item in subdivision 1 of section 1 of this Act includes \$600,000 from the general fund which the department of parks and tourism shall use for purposes determined by the state historical board and the interagency working group as provided in section 11 of this Act. The director of the parks and tourism department may transfer \$600,000, or so much thereof as may be necessary, from this line item to the state historical board.

SECTION 11. LEGISLATIVE INTENT - INTERAGENCY COOPERATION. It is the intent of the legislative assembly that North Dakota tourism benefit from comprehensive planning and cooperation between the department of parks and tourism and the state historical board. It is the intent of the legislative assembly that the governor organize an interagency working group to ensure communication, joint planning, and maximum cooperation among these agencies. Further, it is the intent of the legislative assembly that the planning and development of parks and historic sites be conducted by the respective departments as determined by the interagency working group."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 701 - STATE HISTORICAL BOARD

This amendment separates the appropriation for the Historical Society from the Department of Parks and Tourism in an amount of \$5,055,374, of which \$3,344,956 is from the general fund, \$1,073,899 is from federal funds, and \$636,519 is from other funds, and providing 52 FTE positions. The other funds appropriation includes \$600,000 of funds which may be transferred from the Department of Parks and Tourism to the Historical Society for the following:

Temporary salaries	\$165,000
Planning	245,000
Equipment	70,000
Capital improvements	120,000
Total	<u>\$600,000</u>

Section 6 appropriates \$75,000 from the general fund for developing master plans for the Fort Buford, Fort Seward, and Fort Totten historic sites.

The total change to the executive budget recommendation is a general fund increase of \$75,000, from \$3,344,956 to \$3,419,956, and a special fund increase of \$600,000, from \$1,110,418 to \$1,710,418.

#### DEPARTMENT 740 - DEPARTMENT OF PARKS AND TOURISM

This amendment separates the appropriation for the Historical Society from the Department of Parks and Tourism and provides the Department of Parks and Tourism funding of \$15,705,309, of which \$10,095,404 is from the general fund, \$2,624,061 is from federal funds, and \$2,985,844 from other funds, and includes 48 FTE positions. Funding enhancements of \$1,900,000, \$1,700,000 of which is from the general fund and \$200,000 of other funds for parks and historic sites planning and improvements provided in the executive budget are combined in the parks and historic sites improvements line item. An amount of \$600,000 from the general fund included in this line item is to be used for historic sites planning and development as provided in sections 10 and 11.

In addition, this amendment makes the following changes to the executive budget recommendation:

- One FTE planning position provided in the executive budget is eliminated. The funding for the position of \$49,756 from the general fund is transferred to temporary salaries.
- Section 4 appropriates \$62,500 from the general fund for one FTE director position for the film production recruitment unit.
- Section 5 appropriates \$200,000, \$100,000 from the general fund and \$100,000 of other funds for the acquisition of the Seventh Day Adventist Camp property adjacent to Lake Metigoshe State Park.
- Sections 7 and 8 authorize the issuance of \$250,000 of revenue bonds for the Bison Herd and Interpretive Center contingent upon the department raising at least \$100,000 of public or private funds for the project. The proceeds of the revenue bonds plus up to \$550,000 of special funds derived from public, private, or other sources, are appropriated for a study regarding the location of the Bison Herd and Interpretive Center of \$50,000 and for the construction and other costs of the project of \$750,000.
- Section 9 appropriates \$300,000 from the general fund for a tourism matching grant program as provided in Senate Bill No. 2054.
- The total change to the executive budget recommendation is a general fund increase of \$462,500, from \$10,095,404 to \$10,557,904, and a special funds increase of \$900,000, from \$5,609,905 to \$6,509,905.

The question being on the adoption of Division I of the proposed amendments to SB 2016, as amended.

Division I of the proposed amendments to SB 2016 lost.

The question being on the adoption of Division II of the proposed amendments to SB 2016, as amended.

Division II of the proposed amendments to SB 2016 lost.

The question being on the adoption of Division III of the proposed amendments to SB 2016, as amended.

Division III of the proposed amendments to SB 2016 was adopted on a verification vote.

The question being on the adoption of Division IV of the proposed amendments to SB 2016, as amended.

Division IV of the proposed amendments to SB 2016 was adopted.

The question being on the adoption of Division V of the proposed amendments to SB 2016, as amended.

Division V of the proposed amendments to SB 2016 lost.

The question being on the adoption of Division VI of the proposed amendments to SB 2016, as amended.

Division VI of the proposed amendments to SB 2016 was adopted.

#### SECOND READING OF SENATE BILL

SB 2016: A BILL for an Act making an appropriation for defraying the expenses of the department of parks and tourism and the state historical board; and providing a statement of legislative intent regarding interagency cooperation.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Goetz; Naaden; Nelson; Solberg; Streibel; Tennefos; Vosper

ABSENT AND NOT VOTING: Holmberg; Maxson

SB 2016 passed and the title was agreed to.

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#### REPORT OF STANDING COMMITTEE

SB 2561, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 5, after the first semicolon insert "and" and remove the second semicolon

Page 1, line 6, remove "and to provide an appropriation"

Page 4, remove lines 22 through 26

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendments remove the \$20,000 general fund appropriation to the department for administering the licensure of abortion facilities.

CONSIDERATION OF AMENDMENTS

SB 2561: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments be adopted with DO NOT PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2561: A BILL for an Act to create and enact eight new sections to chapter 14-02.1 and a new subsection to section 14-02.1-02 of the North Dakota Century Code, relating to abortion facilities and to the definition of department; to amend and reenact subsection 2 of section 14-02.1-02 of the North Dakota Century Code, relating to the definition of abortion facility; 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 28 YEAS, 22 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Freborg; Goetz; Hanson, O.; Jerome; Keller; Kelsh; Krauter; Krebsbach; Lindaas; Marks; Mathern; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Solberg; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper

NAYS: Evanson; Graba; Hanson, E.; Heigaard; Heinrich; Ingstad; Kelly; Kinnoin; Langley; Lindgren; Lips; Meyer; Mushik; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Wogsland; Yockim

ABSENT AND NOT VOTING: David; Holmberg; Maxson

SB 2561 passed and the title was agreed to.

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REPORT OF STANDING COMMITTEE

SB 2522, as engrossed: 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 4, after the semicolon insert "and"

Page 1, line 6, remove "; and to provide an"

Page 1, line 7, remove "appropriation"

Page 3, line 15, replace "general fund" with "department of health and consolidated laboratories operating account"

Page 3, remove lines 16 through 21

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendments provide that the testing fees are deposited in the department's operating account. Also, the amendments remove the \$280,000 general fund appropriation to the Department of Health for conducting the galactosemia testing.

CONSIDERATION OF AMENDMENTS

SB 2522, as engrossed: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments be adopted with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2522: A BILL for an Act to create and enact a new section to chapter 25-17 of the North Dakota Century Code, relating to the adoption of rules by the department of health and consolidated laboratories with respect to recovering the costs of galactosemia testing; and to amend and reenact sections 25-17-01, 25-17-02, 25-17-03, and 25-17-04 of the North Dakota Century Code, relating to testing of newborn babies for galactosemia.

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; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Meyer; 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: David; Holmberg; Maxson

SB 2522 passed and the title was agreed to.

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MOTIONS

SEN. WOGSLAND MOVED that the vote by which SB 2258, SB 2384, SB 2016, SB 2561, SB 2522, and SB 2231 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. WOGSLAND MOVED that the rules be suspended and that SB 2258, SB 2384, SB 2016, SB 2561, SB 2522, and SB 2231 be messaged to the House immediately, which motion prevailed.

SEN. WOGSLAND MOVED that the Senate amend Joint Rule 203 to read "36th legislative day" instead of "35th legislative day", which motion prevailed.

SEN. WOGSLAND MOVED that the absent members 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 Ninth order of business, and at the conclusion of the Ninth order, the Senate be on the Twelfth order of business, and at the conclusion of the Twelfth 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., Wednesday, February 27, 1991, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1047: Committee on Transportation (Sen. Schoenwald, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT 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 16, after "located" insert ", but does not include any business operated under a franchise agreement"

Page 2, line 1, after "39-13-06" insert "except that the rules must provide that logos may not be used on tourist-oriented directional signs"

Page 2, remove lines 24 through 26

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1076: Committee on Transportation (Sen. Schoenwald, Chairman) recommends DO PASS (6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1076 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1114, as engrossed: Committee on Transportation (Sen. Schoenwald, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 6, remove "with the registration fee prorated on a yearly"

Page 2, line 7, remove "basis"

Renumber accordingly

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Nalewaja, Tennesfos, DeKrey and Reps. Larson, D. Olsen introduced:

SCR 4048: A concurrent resolution directing the Legislative Council to study means of providing incentives for individuals to obtain nursing home insurance.

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

Sens. Naaden, Nething introduced:

SCR 4049: A concurrent resolution directing the Legislative Council to study investment of funds under the control of the State Investment Board.

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

Sens. Kelly, Lindgren, Mushik, Thane introduced:

SCR 4050: A concurrent resolution directing the Legislative Council to study the distribution of child support enforcement incentive payments made by the federal government.

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

Sens. Kelly, Schoenwald and Reps. Gabrielson, DeMers introduced:

SCR 4051: A concurrent resolution directing the Legislative Council to study the feasibility of providing basic statewide health and work-related accident insurance to all North Dakota workers and their dependents.

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

Sens. Mushik, Stenehjem and Reps. DeMers, Rydell, Schneider introduced:

SCR 4052: A concurrent resolution directing the Legislative Council to study North Dakota family foster home fire and safety codes.

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

Sens. Stenehjem, Lindgren, Nalewaja and Reps. Kelsch, Price, St. Aubyn introduced:

SCR 4053: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of the Department of Human Services contracting with the private sector for the treatment of alcohol and drug dependent persons.

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

Sens. O. Hanson, Tomac, DeKrey introduced:

SCR 4054: A concurrent resolution directing the Legislative Council to study the economic and social impact of federal programs that take agricultural land out of production.

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

Sen. Satrom introduced:

SCR 4055: A concurrent resolution directing the Legislative Council to study state institution and agency pay practices.

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

Sens. Kelsh, Dotzenrod introduced:

SCR 4056: A concurrent resolution directing the Legislative Council to study problems relating to the sale of agricultural commodities.

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

#### FIRST READING OF HOUSE BILLS

HB 1020: A BILL for an Act making an appropriation for defraying the expenses of the international peace garden; and to declare an emergency.

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

HB 1060: A BILL for an Act to create and enact a new subsection to section 23-29-02, four new subsections to section 23-29-04, and ten new sections to chapter 23-29 of the North Dakota Century Code, relating to solid waste management; to amend and reenact subsections 3 and 5 of section 23-20.2-02, section 23-29-03, subsection 8 of section 23-29-04, sections 23-29-05, 23-29-06, 23-29-12, and subsection 1 of section 39-10-59 of the North Dakota Century Code, relating to solid waste management; to repeal sections 23-29-15 and 24-12-03 of the North Dakota Century Code, relating to a short title and to the deposit of garbage; and to provide a penalty.

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

HB 1061: A BILL for an Act to create and enact four new sections to chapter 23-29 of the North Dakota Century Code, relating to solid waste management; and to provide a penalty.

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

HB 1168: A BILL for an Act to create and enact a new section to chapter 65-02 of the North Dakota Century Code, relating to requiring the workers compensation bureau to contract for administrative services.

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

HB 1227: A BILL for an Act to create and enact chapter 26.1-36.1, a new subsection to section 26.1-45-05, and sections 26.1-45-05.2, 26.1-45-11, and 26.1-45-12 of the North Dakota Century Code, relating to the regulation of medicare supplement insurance policies and sales, and provisions of long-term care insurance policies; to amend and reenact subdivision 1 of subsection 9 of section 26.1-04-03, sections 26.1-45-01, 26.1-45-04, subsection 2 of section 26.1-45-05, subsection 4 of section 26.1-45-06, sections 26.1-45-07, 26.1-45-09, and 26.1-45-10 of the North Dakota Century Code, relating to medicare supplement policies and the Prohibited Practices Act, noncustodial care coverage and provisions of long-term care insurance policies; to repeal sections 26.1-36-31, 26.1-36-32, 26.1-36-33, 26.1-36-34, 26.1-36-35, 26.1-36-36, 26.1-36-36.1, and 26.1-36-37 of the North Dakota Century Code, relating to the provisions of medicare supplement insurance policies and sales, and provisions of long-term care insurance policies; and to provide a penalty.

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

HB 1232: A BILL for an Act to create and enact section 19-13.1-14 of the North Dakota Century Code, relating to registration, labeling, and cooperation with other entities under the commercial feed laws; to amend and reenact sections 19-13.1-01, 19-13.1-02, 19-13.1-03, 19-13.1-04, 19-13.1-06, 19-13.1-07, 19-13.1-08, 19-13.1-09, 19-13.1-10, 19-13.1-12, and 19-13.1-13 of the North Dakota Century Code, relating to registration, licensing, labeling, inspection fees, and penalties;

to repeal section 19-13.1-05 of the North Dakota Century Code, relating to labeling under the commercial feed laws; and to provide a penalty.  
Was read the first time and referred to the Committee on Agriculture.

HB 1243: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to requiring employers to pay certain claims for workers' compensation; and to amend and reenact section 65-05-01 of the North Dakota Century Code, relating to claims for workers' compensation.

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

HB 1265: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to workers' compensation fee schedules for medical and hospital services and supplies.

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

HB 1300: A BILL for an Act to create and enact a new subsection to section 57-38-01 and a new subdivision to subsection 1 of section 57-38-01.2 of the North Dakota Century Code, relating to definition of qualified investment fund and exemption from income tax liability for distributions of a qualified investment fund; to amend and reenact subsections 3 and 4 of section 57-38-30.3 of the North Dakota Century Code, relating to exclusion from computation of income tax liability of distributions from a qualified investment fund; and to provide an effective date.

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

HB 1321: A BILL for an Act to create and enact a new section to chapter 65-04 of the North Dakota Century Code, relating to workers' compensation wage rates and the basis on which workers' compensation premium is paid; to amend and reenact sections 65-04-01, 65-04-04, and 65-04-17 of the North Dakota Century Code, relating to the basis for establishing workers' compensation premiums; and to provide an effective date.

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

HB 1385: A BILL for an Act to create and enact a new section to chapter 65-05.1 of the North Dakota Century Code, relating to requiring the workers compensation bureau to solicit bids for vocational rehabilitation services.

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

HB 1404: A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code to eliminate the option of members of the legislative assembly to receive meals reimbursement in lieu of a portion of compensation and to receive monthly amounts as reimbursement for uncompensated expenses rather than as compensation and to create an option for members of the legislative assembly to receive compensation in approximately equal monthly installments spread throughout their terms of office; to provide an effective date; and to declare an emergency.

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

HB 1420: A BILL for an Act to create and enact two new sections to chapter 5-01, a new subsection to section 5-01-01, a new subsection to section 5-02-02, two new subsections to section 5-03-01, and a new section to chapter 5-03 of the North Dakota Century Code, relating to violations of alcoholic beverage laws and alcoholic beverage license applicants; to amend and reenact sections 5-01-11, 5-02-10, 5-03-02, 5-03-05, 5-03-06, subsection 3 of section 5-04-01, and section 5-04-14 of the North Dakota Century Code, relating to alcoholic beverage laws; and to provide a penalty.

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

HB 1443: A BILL for an Act to provide for certification of domestic community development corporations and providing income tax credits for the purchase of shares of stock, memberships, payments of dues, or making contributions by individuals and corporations to certified domestic development corporations; to create and enact a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for purchase of shares of stock, memberships, payments of dues, or making contributions by individuals to certified domestic development corporations; to amend and reenact section 57-38-01.17 of the North Dakota Century Code, relating to income tax credits for purchase of shares of stock, memberships, payments of dues, or making contributions by individuals and corporations to certified domestic development corporations; and to provide an effective date.  
Was read the first time and referred to the Committee on Finance and Taxation.

HB 1462: A BILL for an Act to amend and reenact section 50-24.1-02.2 of the North Dakota Century Code, relating to community spouse resource allowance.  
Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

HB 1468: A BILL for an Act to amend and reenact section 65-01-01 of the North Dakota Century Code, relating to the purposes of the worker's compensation law.  
Was read the first time and referred to the Committee on Judiciary.

HB 1476: A BILL for an Act to amend and reenact section 65-04-15 of the North Dakota Century Code, relating to the confidentiality of an employer's workers' compensation reports.  
Was read the first time and referred to the Committee on Judiciary.

HB 1491: A BILL for an Act to amend and reenact section 26.1-36-37.1 of the North Dakota Century Code, relating to health insurance proof of loss forms and claim payment time limits.  
Was read the first time and referred to the Committee on Industry, Business and Labor.

HB 1506: A BILL for an Act to amend and reenact section 65-04-18 of the North Dakota Century Code, relating to charge for the subsequent injury or aggravation of a previous injury or condition of an employee.  
Was read the first time and referred to the Committee on Judiciary.

HB 1509: A BILL for an Act to amend and reenact section 57-36-25, subsection 1 of section 57-36-26, subsection 1 of section 57-36-28, and section 57-36-32 of the North Dakota Century Code, relating to taxation of tobacco products.  
Was read the first time and referred to the Committee on Finance and Taxation.

HB 1522: A BILL for an Act to amend and reenact subsections 11, 12, and 13 of section 26.1-26-42 of the North Dakota Century Code, relating to grounds for revocation of an insurance agent's license.  
Was read the first time and referred to the Committee on Industry, Business and Labor.

HB 1525: A BILL for an Act for an Act to amend and reenact subsection 19 of section 43-12.1-08 of the North Dakota Century Code, relating to the powers and duties of the board of nursing to issue temporary licenses; and to declare an emergency.  
Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

HB 1533: A BILL for an Act to provide for the rebirth of North Dakota's main streets by the establishment of real estate development corporations to allow cities to attract new businesses by offering favorable real

estate lease terms; to provide a transfer; and to provide an appropriation.

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

HB 1571: A BILL for an Act to create and enact a new section to chapter 4-12.2 of the North Dakota Century Code, relating to revocation of registration of an apiary; to amend and reenact sections 4-12.2-01, 4-12.2-04, 4-12.2-04.1, 4-12.2-06, 4-12.2-07, 4-12.2-08, 4-12.2-14, 4-12.2-18, 4-12.2-19, 4-12.2-20, 4-12.2-21, and 4-12.2-24 of the North Dakota Century Code, relating to licensure of beekeepers, and registration, identification, and certification of apiaries; to repeal sections 4-12.2-09, 4-12.2-10, 4-12.2-11, 4-12.2-12, and 4-12.2-13 of the North Dakota Century Code, relating to a two-mile radius restriction for apiary locations; and to declare an emergency.

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

HB 1324: A BILL for an Act to amend and reenact subdivision b of subsection 14 of section 65-01-02 of the North Dakota Century Code, relating to exemption of certain real estate brokers and real estate salespersons from mandatory contribution participation under the workers compensation laws.

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

HB 1575: A BILL for an Act to amend and reenact section 39-04-19, subsection 2 of section 57-43.1-02, section 57-43.1-03.1, and subsection 2 of section 57-43.2-02 of the North Dakota Century Code, relating to motor vehicle registration fees, tax reductions for fuels that contain a qualifying blend of alcohol, and reductions of refunds of motor vehicle fuels taxes on fuel used for agricultural purposes; to suspend subsection 2 of section 57-43.1-02 and subsection 2 of section 57-43.2-02 of the North Dakota Century Code, relating to tax reductions for fuels that contain a qualifying blend of alcohol; to provide an appropriation; and to provide an effective date and an expiration date.

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

HB 1590: A BILL for an Act relating to the establishment of alternative health care services pilot projects.

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

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3034: A concurrent resolution urging continued funding for library resources and services dedicated to the needs of blind and physically handicapped persons.

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

HCR 3016: A concurrent resolution for the amendment of section 13 of article IV of the Constitution of North Dakota, relating to the effective date of legislation.

Was read the first time and referred to the Joint Constitutional Revision Committee.

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

MARION HOUN, Secretary