

## JOURNAL OF THE SENATE

## Fifty-third Legislative Assembly

\* \* \* \* \*

Bismarck, February 10, 1993

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

The prayer was offered by Senator O'Connell.

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

A quorum was declared by the President.

## MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2063, SB 2072, SB 2181, SB 2200, SB 2293, SB 2298, SB 2303, SB 2399, SB 2408.

## MOTION

SEN. MATHERN MOVED that SB 2001, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SB 2311: SEN. DOTZENROD (Finance and Taxation Committee) MOVED that the amendments on SJ pages 443-444 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2311: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to an income tax credit for premiums paid for long-term care insurance; 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, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Dotzenrod; Evanson; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Mushik; Nalewaja; Redlin; Robinson; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Tennefos; Thane; Tomac; Urlacher; Yockim

NAYS: Andrist; Freborg; Goetz; Kinnoin; Marks; Maxson; Mutch; Naaden; Nelson; Nething; O'Connell; Sand; Streibel; Tallackson; Wogsland

ABSENT AND NOT VOTING: Traynor

SB 2311 passed and the title was agreed to.

\*\*\*\*\*

## MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1163, HB 1203, HB 1222, HB 1224, HB 1229, HB 1262, HB 1271, HB 1276, HB 1278, HB 1315, HB 1319, HB 1331, HB 1340, HB 1357, HB 1363, HB 1367, HB 1377, HB 1380, HB 1388, HB 1508, HCR 3008, HCR 3024.

## MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed unchanged: SB 2136.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**  
**MADAM PRESIDENT:** The House has failed to pass: SB 2134.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2132.

#### CONSIDERATION OF AMENDMENTS

**SB 2396: SEN. KRAUTER (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 444-445 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2396:** A BILL for an Act to amend and reenact subsections 14 and 15 of section 65-01-02 of the North Dakota Century Code, relating to the definitions of employee and employer for purposes of workers' compensation.

#### 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, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

**NAYS:** DeMers; Maxson; Sand

**ABSENT AND NOT VOTING:** Traynor

SB 2396 passed and the title was agreed to.

\*\*\*\*\*

#### CONSIDERATION OF AMENDMENTS

**SB 2459: SEN. GRINDBERG (Education Committee) MOVED** that the amendments on SJ page 445 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2459:** A BILL for an Act to amend and reenact subsection 9 of section 15-27.6-04 of the North Dakota Century Code, relating to the training of teachers employed in consortia.

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

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

**NAYS:** Freborg; Sand

**ABSENT AND NOT VOTING:** Traynor

SB 2459 passed and the title was agreed to.

\*\*\*\*\*

**CONSIDERATION OF AMENDMENTS**

**SB 2495: SEN. MUTCH (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 446 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2495:** A BILL for an Act to amend and reenact subsection 13 of section 2 of chapter 299 of the 1991 Session Laws of North Dakota, relating to the definition of "tank" for the purpose of the petroleum release compensation 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 47 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

**NAYS:** Maxson

**ABSENT AND NOT VOTING:** Traynor

SB 2495 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2422:** A BILL for an Act to create and enact section 34-07-15.1 and a new section to chapter 34-07 of the North Dakota Century Code, relating to limitations on the hours a minor under the age of seventeen may work and exemptions to the limitations; to amend and reenact sections 34-07-01, 34-07-02, 34-07-03, 34-07-04, 34-07-05, 34-07-06, 34-07-11, 34-07-12, 34-07-14, 34-07-15, 34-07-16, 34-07-17, 34-07-18, 34-07-19, 34-07-20, and 34-07-21 of the North Dakota Century Code, relating to who may employ minors under the age of fourteen in the state, who may issue certificates to minors who wish to work, the limitations on the hours a minor fourteen or fifteen years of age may work, and hazardous occupations in which minors may not be employed; and to repeal sections 34-07-07, 34-07-08, 34-07-10, and 34-07-13 of the North Dakota Century Code, relating to employment certificates for minors.

**MOTION**

**SEN. FREBORG MOVED** that Engrossed SB 2422 be amended as follows, which motion prevailed.

Page 2, line 13, replace "or" with an underscored comma and after "guardian" insert ", or grandparent"

Renumber accordingly

**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 36 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Wogsland; Yockim

**NAYS:** Andrist; Bowman; Dotzenrod; Langley; Mutch; Naaden; Nelson; Solberg; Streibel; Tennefos; Tomac; Urlacher

**ABSENT AND NOT VOTING:** Traynor

SB 2422 passed and the title was agreed to.

\*\*\*\*\*

#### MOTION

**SEN. MATHERN MOVED** that SB 2432, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2444:** A BILL for an Act to create and enact a new subsection to section 43-15-01 of the North Dakota Century Code, relating to definitions under the pharmacy laws; and to amend and reenact subsection 16 of section 43-15-01 of the North Dakota Century Code, relating to the practice of pharmacy.

#### 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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Kelsh; Traynor

SB 2444 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF SENATE BILL

**SB 2462:** A BILL for an Act to amend and reenact section 6-02-03 of the North Dakota Century Code, relating to the securing of federal deposit insurance; to repeal section 6-03-67.1 of the North Dakota Century Code, relating to operation of state banking association without federal deposit insurance; and to provide an effective date.

#### 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 13 YEAS, 35 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Dotzenrod; Kelsh; Kinnoin; Marks; Mutch; Naaden; O'Connell; Solberg; Stenehjem, B.; Streibel; Tennefos

**NAYS:** DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Nalewaja; Nelson; Nething; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, W.; Tallackson; Thane; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Traynor

SB 2462 lost.

\*\*\*\*\*

SECOND READING OF SENATE BILL

SB 2467: A BILL for an Act to amend and reenact subsection 2 of section 10-06-07.3 and section 10-06-08 of the North Dakota Century Code, relating to publication of information on farm corporations and information reported on farm corporation reports.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Scherber; Traynor

SB 2467 passed and the title was agreed to.

\*\*\*\*\*

SECOND READING OF SENATE BILL

SB 2477: A BILL for an Act to amend and reenact section 43-17-18 of the North Dakota Century Code, relating to qualifications for a license to practice medicine.

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Traynor

SB 2477 passed and the title was agreed to.

\*\*\*\*\*

SECOND READING OF SENATE BILL

SB 2479: A BILL for an Act to amend and reenact subsection 2 of section 26.1-36-09 of the North Dakota Century Code, relating to group health policy and service contract mental disorder coverage.

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

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Keller; Traynor

SB 2479 passed and the title was agreed to.

\*\*\*\*\*

#### MOTION

**SEN. MATHERN MOVED** that SB 2528 be placed at the bottom of the Eleventh order, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2529:** A BILL for an Act to create and enact a new subdivision to subsection 2 of section 27-08.1-01 and a new section to chapter 47-16 of the North Dakota Century Code, relating to venue of small claims courts and liability of tenants.

#### 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, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Holmberg; Jerome; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Tomac; Urlacher; Wogsland; Yockim

**NAYS:** DeMers; Heinrich; Keller; Kelly; Mushik; Scherber; Schoenwald; Thane

**ABSENT AND NOT VOTING:** Traynor

SB 2529 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF SENATE BILL

**SB 2054:** A BILL for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.2 of the North Dakota Century Code, relating to an income tax deduction for long-term capital gains; 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 20 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Evanson; Freborg; Goetz; Kinnoin; Krebsbach; Lindgren; Lips; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Solberg; Streibel; Tennefos; Thane

**NAYS:** DeMers; Dotzenrod; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Krauter; Langley; Lindaas; Marks; Mathern; Mushik; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, B.; Stenehjem, W.; Tallackson; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Traynor

SB 2054 lost.

\*\*\*\*\*

SECOND READING OF SENATE BILL

SB 2291: A BILL for an Act to amend and reenact section 39-21-44.1 of the North Dakota Century Code, relating to covering vehicles to prevent spillage onto the roadway.

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 18 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: DeMers; Evanson; Graba; Heinrich; Jerome; Kelly; Langley; Mathern; Maxson; Mushik; Nalewaja; Redlin; Robinson; Scherber; Schoenwald; Tallackson; Wogsland; Yockim

NAYS: Andrist; Bowman; Dotzenrod; Freborg; Goetz; Grindberg; Holmberg; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mutch; Naaden; Nelson; Nething; O'Connell; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac

ABSENT AND NOT VOTING: Traynor; Urlacher

SB 2291 lost. .

\*\*\*\*\*

SECOND READING OF SENATE BILL

SB 2350: A BILL for an Act to amend and reenact subdivision a of subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to the property tax exemption for farm structures; 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 2 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Tallackson

NAYS: Andrist; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Traynor

SB 2350 lost.

\*\*\*\*\*

SECOND READING OF SENATE BILL

SB 2368: A BILL for an Act to amend and reenact section 14-07.1-18 of the North Dakota Century Code, relating to domestic violence or sexual assault program records; 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 PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Traynor

SB 2368 passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2398:** A BILL for an Act to create and enact two new sections to chapter 20.1-02 of the North Dakota Century Code, relating to the creation of the motorboat programs and safety fund; to amend and reenact of section 20.1-03-12 of the North Dakota Century Code, relating to motorboat license fees; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 42 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Mushik; Mutch; Nalewaja; Nelson; Nething; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Thane; Tomac; Urlacher; Wogsland; Yockim

**NAYS:** Marks; Maxson; Naaden; O'Connell; Tennefos

**ABSENT AND NOT VOTING:** Andrist; Traynor

SB 2398 passed and the title was agreed to.

\*\*\*\*\*

**REQUEST**

**SEN. ANDRIST REQUESTED** that his vote show as "Yea", which request was granted.

**SECOND READING OF SENATE BILL**

**SB 2400:** A BILL for an Act to amend and reenact section 50-24.4-18 of the North Dakota Century Code, relating to establishing deadlines for hearings and decisions concerning nursing home rates.

**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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell;

Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjerm, B.; Stenehjerm, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Traynor

SB 2400 passed and the title was agreed to.

\*\*\*\*\*

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 5:00 p.m., which motion prevailed.

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

SECOND READING OF SENATE BILL

SB 2404: A BILL for an Act to create and enact a new section to chapter 50-24.4 of the North Dakota Century Code, relating to nursing home rates pending reconsideration and appeal.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjerm, B.; Stenehjerm, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Traynor

SB 2404 passed and the title was agreed to.

\*\*\*\*\*

SECOND READING OF SENATE BILL

SB 2411: A BILL for an Act to amend and reenact sections 32-19-07 and 32-19.1-07 of the North Dakota Century Code, relating to mortgage foreclosure actions and other actions where real property secures the debt.

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 43 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjerm, B.; Stenehjerm, W.; Streibel; Tallackson; Tennefos; Thane; Urlacher; Yockim

NAYS: DeMers; Dotzenrod; Mathern; Tomac; Wogsland

ABSENT AND NOT VOTING: Traynor

SB 2411 passed and the title was agreed to.

\*\*\*\*\*

## SECOND READING OF SENATE BILL

SB 2427: A BILL for an Act to amend and reenact subsection 5 of section 15-47-38 of the North Dakota Century Code, relating to the standard of review in teacher contract nonrenewals.

## 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 25 YEAS, 23 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Evanson; Graba; Grindberg; Heinrich; Keller; Kelly; Kelsh; Krauter; Langley; Lindaas; Lips; Mathern; Mushik; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjerm, B.; Stenehjerm, W.; Tallackson; Wogsland; Yockim

NAYS: Andrist; Bowman; Freborg; Goetz; Holmberg; Jerome; Kinnoin; Krebsbach; Lindgren; Marks; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Solberg; Streibel; Tennefos; Thane; Tomac; Urlacher

ABSENT AND NOT VOTING: Traynor

SB 2427 passed and the title was agreed to.

\*\*\*\*\*

## MOTION

SEN. MATHERN MOVED that SB 2528 be placed at the top of the calendar, which motion prevailed.

## MOTION

SEN. O'CONNELL MOVED that Engrossed SB 2528 be amended as follows, which motion prevailed.

Page 3, line 24, replace "ten" with "fifteen"

Renumber accordingly

## SECOND READING OF SENATE BILL

SB 2528: A BILL for an Act to create and enact sections 15-27.6-02.5, 15-27.6-06.5, and a new section to chapter 15-27.6 of the North Dakota Century Code, relating to school district boundary restructuring; and to amend and reenact section 15-27.6-01, subsection 7 of section 15-27.6-04, sections 15-27.6-05, 15-27.6-10, and 15-27.6-11 of the North Dakota Century Code, relating to school district boundary restructuring.

## 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 28 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Evanson; Graba; Grindberg; Heinrich; Holmberg; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Mathern; Mushik; Nalewaja; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjerm, W.; Tallackson; Tomac; Wogsland; Yockim

NAYS: Andrist; Bowman; Dotzenrod; Freborg; Goetz; Jerome; Langley; Marks; Maxson; Mutch; Naaden; Nelson; Nething; Sand; Solberg; Stenehjerm, B.; Streibel; Tennefos; Thane; Urlacher

ABSENT AND NOT VOTING: Traynor

SB 2528 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2428:** A BILL for an Act to amend and reenact section 63-01.1-13.1 of the North Dakota Century Code, relating to noxious weed control on game and fish lands.

**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 9 YEAS, 39 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Freborg; Keller; Mutch; Nelson; Nething; Solberg; Tallackson; Urlacher

**NAYS:** Andrist; DeMers; Dotzenrod; Evanson; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Naaden; Nalewaja; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Traynor

SB 2428 lost.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2438:** A BILL for an Act to amend and reenact section 41-09-28.1 of the North Dakota Century Code, relating to refiling of security documents.

**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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Traynor

SB 2438 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2446:** A BILL for an Act to amend and reenact section 2-06-06 of the North Dakota Century Code, relating to compensation paid to commissioners of an airport authority.

**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 39 YEAS, 9 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson;

Mushik; Nalewaja; Nething; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Urlacher; Wogsland; Yockim

**NAYS:** Freborg; Mutch; Naaden; Nelson; O'Connell; Sand; Solberg; Streibel; Tennefos

**ABSENT AND NOT VOTING:** Traynor

SB 2446 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF SENATE BILL

**SB 2454:** A BILL for an Act to amend and reenact sections 21-03-01, 21-03-02, 21-03-21, 21-03-26, 21-03-27, 21-03-28, 21-03-40, and 40-01-06 of the North Dakota Century Code, relating to general obligation bonds of municipalities and the execution of bonds, contracts, and conveyances; and to repeal sections 21-03-21.1, 21-03-22, 21-03-31, and 21-03-32 of the North Dakota Century Code, relating to the opinion of the attorney general as to legality for investment, recording of bonds, notice of sale to the Bank of North Dakota, and purchase of bonds by state agencies.

#### 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Traynor

SB 2454 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF SENATE BILL

**SB 2455:** A BILL for an Act to amend and reenact sections 57-47-02, 57-47-03, and 57-47-04 of the North Dakota Century Code, relating to the county deficiency levy; and to repeal section 57-47-01 of the North Dakota Century Code, relating to lending by the Bank of North Dakota and banking associations.

#### 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 43 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Maxson; Mushik; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland

**NAYS:** Krauter; Mathern; Mutch; Schoenwald; Yockim

**ABSENT AND NOT VOTING:** Traynor

SB 2455 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2463:** A BILL for an Act to create and enact a new subsection to section 23-01-07 of the North Dakota Century Code, relating to the issuance of general obligation bonds to prepay outstanding special assessments against political subdivision property; and to amend and reenact section 57-15-41 of the North Dakota Century Code, relating to the issuance of general obligation bonds to prepay outstanding special assessments against political subdivision property.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjerm, B.; Stenehjerm, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Traynor

SB 2463 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2464:** A BILL for an Act to amend and reenact section 35-01-05.2 of the North Dakota Century Code, relating to the priority of liens securing future advances.

**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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjerm, B.; Stenehjerm, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Traynor

SB 2464 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2469:** A BILL for an Act to amend and reenact section 10-19.1-14 of the North Dakota Century Code, relating to reserved corporate name requirements.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and

has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Yockim

**ABSENT AND NOT VOTING:** Traynor; Wogsland

SB 2469 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF SENATE BILL

**SB 2475:** A BILL for an Act to amend and reenact section 11-10-04 of the North Dakota Century Code, relating to residency requirements of county officers.

#### 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Traynor

SB 2475 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF SENATE BILL

**SB 2476:** A BILL for an Act to amend and reenact subsection 4 of section 20.1-03-11 and section 20.1-03-11.2 of the North Dakota Century Code, relating to nonresident deer licenses and white-tailed deer licenses provided to guides and outfitters.

#### 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 45 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Robinson; Sand; Scherber; Schoenwald; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

**NAYS:** Keller; Redlin; Solberg

**ABSENT AND NOT VOTING:** Traynor

SB 2476 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2481:** A BILL for an Act to amend and reenact sections 54-52.4-01 and 54-52.4-10 of the North Dakota Century Code, relating to uncompensated family leave and use of leave to care for an employee's spouse, child, or parent.

**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 24 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** DeMers; Dotzenrod; Evanson; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Tallackson; Wogsland; Yockim

**NAYS:** Andrist; Bowman; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krebsbach; Lindgren; Lips; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Urlacher; President Myrdal

**ABSENT AND NOT VOTING:** Traynor

SB 2481 lost.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2485:** A BILL for an Act to amend and reenact subsection 6 of section 39-06-32 of the North Dakota Century Code, relating to authority to suspend an operator's license.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEA, 47 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Maxson

**NAYS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Traynor

SB 2485 lost.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2493:** A BILL for an Act relating to the prequalification, selection, and contracting of consultants by the department of transportation for the purpose of receiving requests for proposals, proposals, and solicitations.

**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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Traynor

SB 2493 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF SENATE BILL

**SB 2521:** A BILL for an Act to amend and reenact subsection 11 of section 20.1-02-05 of the North Dakota Century Code, relating to powers of the director of the game and fish department.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Traynor

SB 2521 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4023:** A concurrent resolution directing the Legislative Council to study the development of a Noxious Weed Trust Fund.

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

SCR 4023 was declared adopted, the title was agreed to, on a voice vote.

\*\*\*\*\*

#### SECOND READING OF SENATE BILL

**SB 2046:** A BILL for an Act to amend and reenact subsection 4 of section 16.1-08-02 of the North Dakota Century Code, relating to campaign contribution reports.

#### 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 12 YEAS, 36 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** DeMers; Graba; Heinrich; Kelly; Krauter; Mathern; Mushik; Scherber; Schoenwald; Tomac; Wogsland; Yockim

**NAYS:** Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Grindberg; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krebsbach; Langley; Lindaas;

Lindgren; Lips; Marks; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Urlacher

ABSENT AND NOT VOTING: Traynor

SB 2046 lost.

\*\*\*\*\*

SECOND READING OF SENATE BILL

SB 2152: A BILL for an Act to create and enact a new section to chapter 54-17.4 of the North Dakota Century Code, relating to the purchase and sale of maps and other geological publications by the state geologist; and to provide a continuing appropriation.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Traynor

SB 2152 passed and the title was agreed to.

\*\*\*\*\*

SECOND READING OF SENATE BILL

SB 2353: A BILL for an Act to amend and reenact section 57-39.2-23 of the North Dakota Century Code, relating to the release of certain sales tax information to Canadian provinces.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Traynor

SB 2353 passed and the title was agreed to.

\*\*\*\*\*

SECOND READING OF SENATE BILL

SB 2448: A BILL for an Act to create and enact a new subsection to section 57-01-02 of the North Dakota Century Code, relating to authorizing the tax commissioner to require payments of one hundred 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 adopt 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 bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Uriacher; Wogsland; Yockim

**NAYS:** Mutch; Naaden

**ABSENT AND NOT VOTING:** Traynor

SB 2448 passed and the title was agreed to.

\*\*\*\*\*

#### MOTION

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

#### MOTION

**SEN. MATHERN MOVED** that the Senate be on the Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, February 11, 1993, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**SB 2013: Appropriations Committee (Sen. Tallackson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2013 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and to provide an appropriation from the state highway"

Page 1, line 3, remove "fund"

Page 1, line 11, replace "16,194,792" with "15,214,978"

Page 1, line 13, replace "3,459,338" with "3,430,474"

Page 1, replace line 16 with:

"Grants to state agencies 100,000"

Page 1, line 17, replace "20,041,110" with "19,126,746"

Page 1, line 18, replace "APPROPRIATION. There is hereby appropriated in the special" with "SPECIAL FUNDS. The total special funds appropriation line item in section 1 of this Act includes"

Page 1, line 19, replace "funds line item of section 1 of this Act the sum of \$18,982,067" with "\$17,971,485"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

## DEPARTMENT 504 - HIGHWAY PATROL

SENATE - This amendment makes the following changes, which were also included in Governor Schafer's recommendations:

- The salaries and wages line item is decreased by \$75,649, \$3,782 of which is federal funds, for reduced employee health insurance costs.
- The salaries and wages line item is decreased by \$725,000 from the highway fund relating to savings projected to be available during the 1993-95 biennium due to position vacancies.
- The operating expenses line item is increased by \$5,686 from the highway fund and the interagency legal fees line item of \$5,686 is deleted.
- Funding from the highway fund related to two FTE patrol officers is eliminated as follows:
 

Salaries and wages (2 FTEs)	\$(179,165)
Operating expenses	<u>(34,550)</u>
<b>Total reduction</b>	<b>\$(213,715)</b>

Contrary to Governor Schafer's recommendation, this amendment does not reduce salaries and wages by \$333,774, \$16,689 of which is federal funds, relating to Governor Schafer's employee salary increase recommendation.

This amendment adds a grants line item of \$100,000 of federal funds for providing a grant to the Upper Great Plains Transportation Institute to conduct motor carrier safety research.

In total, this amendment reduces funding for the Highway Patrol by \$914,364. Funding from the highway fund is reduced by \$1,010,582 and federal funding is increased by \$96,218. Funding is provided for a total of 197 FTE positions, the same as Governor Schafer's recommendation and two FTEs less than Governor Sinner's recommendation.

**REPORT OF STANDING COMMITTEE**

**SB 2015: Appropriations Committee (Sen. Tallackson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2015 was placed on the Sixth order on the calendar.

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

Page 1, remove lines 3 and 4

Page 1, line 5, remove "grants"

Page 1, line 8, remove "out of any"

Page 1, remove line 9

Page 1, line 10, remove the first "and" and after "fund" insert "in the state treasury, not otherwise appropriated,"

Page 1, line 14, replace "1,510,759" with "1,503,079"

Page 1, line 16, replace "462,520" with "579,520"

Page 1, remove line 19

Page 1, line 21, replace "7,419,527" with "7,411,847"

Page 2, line 1, replace "APPROPRIATION" with "SPECIAL FUNDS"

Page 2, line 2, after "the" insert "salaries and wages, information services, operating expenses, equipment, and" and remove "and estimated income"

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

Page 2, line 4, replace "to" with "by"

Page 2, line 5, after "grants" insert "and for related administrative expenses"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**DEPARTMENT 226 - LAND DEPARTMENT**

SENATE - This amendment reduces the salaries and wages line item by \$7,680 from other funds for reduced employee health insurance costs.

The operating expenses line item is increased by \$117,000 from other funds and the interagency legal fees line item of \$117,000 is deleted to reflect the change regarding legal fees charged by the Attorney General.

In total, this amendment reduces the appropriation to the Land Department by \$7,680 from other funds.

Section 2 is amended to include all costs to be paid from special funds and to remove the term appropriation since the funds are already appropriated in Section 1.

**REPORT OF STANDING COMMITTEE**

**SB 2018: Appropriations Committee (Sen. Tallackson, Chairman)** recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). SB 2018 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "\$507,542" with "\$505,238"

Page 1, line 17, replace "\$974,902" with "\$972,598"

Page 1, line 18, replace "402,292" with "401,946"

Page 1, line 19, replace "\$572,610" with "\$570,652"

Page 1, line 22, replace "\$1,903,617" with "\$1,892,863"

Page 2, line 5, replace "\$4,076,576" with "\$4,065,822"

Page 2, line 6, replace "1,457,753" with "1,456,678"

Page 2, line 7, replace "\$2,618,823" with "\$2,609,144"

Page 2, line 10, replace "\$5,757,588" with "\$5,724,563"

Page 2, line 14, replace "220,300" with "190,700"

Page 2, remove line 15

Page 2, line 17, replace "\$7,720,150" with "\$7,655,212"

Page 2, line 18, replace "2,803,672" with "2,051,058"

Page 2, line 19, replace "\$4,916,478" with "\$5,604,154"

Page 2, line 22, replace "\$13,428,280" with "\$13,058,831"

Page 2, line 24, replace "5,952,553" with "5,791,553"

Page 2, line 26, replace "978,192" with "669,121"

Page 2, remove line 27

Page 2, line 29, replace "\$21,223,155" with "\$20,212,725"

Page 3, line 1, replace "3,121,151" with "3,633,052"

Page 3, line 2, replace "\$18,102,004" with "\$16,579,673"

Page 3, line 5, replace "\$1,957,877" with "\$1,949,044"

Page 3, line 9, replace "\$6,739,786" with "\$6,730,953"

Page 3, line 12, replace "\$3,392,473" with "\$3,374,424"

Page 3, line 16, replace "1,444,703" with "1,444,703"

Page 3, remove line 17

Page 3, line 18, replace "\$5,554,627" with "\$5,493,540"

Page 3, line 20, replace "\$3,703,868" with "\$3,642,781"

Page 3, line 21, replace "\$29,913,783" with "\$29,006,404"

Page 3, line 22, replace "\$16,375,413" with "\$16,124,446"

Page 3, line 23, replace "\$46,289,196" with "\$45,130,850"

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**DEPARTMENT 531 - CORRECTIONS - CENTRAL OFFICE**

SENATE - The salaries and wages line item is decreased by \$2,304, of which \$1,958 is from the general fund, for reduced employee health insurance costs.

**DEPARTMENT 532 - COMMUNITY SERVICES**

SENATE - The salaries and wages line item is decreased by \$10,754, of which \$9,679 is from the general fund, for reduced employee health insurance costs.

**DEPARTMENT 533 - STATE INDUSTRIAL SCHOOL**

SENATE - The salaries and wages line item is decreased by \$33,025, of which \$28,071 is from the general fund, for reduced employee health insurance costs.

The interagency legal fees line item of \$2,313 from the general fund is deleted.

Capital improvements was decreased by \$29,600 from the general fund for reducing miscellaneous repairs and projects. (This reduction is also contained in Governor Schafer's budget.)

Estimated income is reduced by \$747,660, and the general fund appropriation is increased by \$747,660 relating to collections from local school districts. Governor Sinner's budget had provided \$747,660 of income from charging local school districts 2.5 times the cost of education for each student at the school (HB 1206). The House killed House Bill No. 1206 therefore eliminating that source of income.

#### DEPARTMENT 534 - STATE PENITENTIARY

SENATE - The salaries and wages line item is decreased by \$76,804, of which \$65,284 is from the general fund, for reduced employee health insurance costs.

Salaries and wages are reduced by \$292,645 from the general fund to remove six of the 18 correctional officer positions added in Governor Sinner's budget. (This reduction is also contained in Governor Schafer's budget.)

The interagency legal fees line item of \$170,910 from the general fund is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.

The operating expense line is reduced by \$161,000 from the general fund. Of the \$161,000, \$100,000 is for reducing the amount provided for food costs and \$61,000 is for deleting funding for housing inmates out of state. (These reductions are also contained in Governor Schafer's budget.)

The capital improvements line is reduced by \$309,071 from the general fund. Also, the general fund was decreased by \$173,421 and other funds increased by \$173,421 for funding provided from the Penitentiary land replacement fund. In addition, it is anticipated that capital improvements funding of \$1,624,000 from the general fund contained in the capital projects bill (HB 1020) will be deleted. (These changes are also contained in Governor Schafer's budget.)

The estimated income line is increased by \$350,000 and the general fund appropriation is decreased by \$350,000 for phasing out the number of federal prisoners and the carryover of federal funds. Governor Sinner's budget provided funding for 40 federal prisoners, and this change will provide for reducing the number of federal prisoners from 65 to 40 on a "phasing out" basis. (These changes are also contained in Governor Schafer's budget.)

#### DEPARTMENT 535 - ROUGHRIDER INDUSTRIES

SENATE - The salaries and wages line item is decreased by \$8,833 from other funds for reduced employee health insurance costs.

#### DEPARTMENT 536 - PAROLE AND PROBATION

SENATE - The salaries and wages line item is decreased by \$18,049 from the general fund for reduced employee health insurance costs.

The interagency legal fees line item of \$43,038 from the general fund is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.

In total, this amendment reduces the general fund appropriation by \$907,379, other funds are reduced by \$250,967, and the total appropriation is reduced by \$1,158,346.

#### REPORT OF STANDING COMMITTEE

SB 2047: Judiciary Committee (Sen. Maxson, Chairman) recommends DO NOT PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2047 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

SB 2056: Judiciary Committee (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2056 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections" with "section" and after the first comma insert "subsection 1 of section 53-06.1-01.1, sections"

Page 1, line 8, after "chance" insert "and the gaming commission"

Page 8, line 21, replace "501(c)(7)" with "501(c)(8) or 501(c)(10)"

Page 11, after line 17, insert:

"SECTION 2. AMENDMENT. Subsection 1 of section 53-06.1-01.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. The state gaming commission consists of the chairman and four other members appointed by the governor, with the consent of the senate. The members serve three-year terms and until a successor is appointed and qualified. If the senate is not in session when the term of a member expires, the governor may make an interim appointment, and the interim appointee holds office until the senate confirms or rejects the appointment. A member appointed to fill a vacancy arising from other than the natural expiration of a term serves only for the unexpired portion of the term. The terms of the commissioners must be staggered so that one term expires each July first."

Page 17, line 15, after the underscored period insert "However, after June 30, 1995, no licensed organization or closely connected licensed organizations as a unit may have more than twenty-five authorized sites."

Page 18, line 14, replace the second "five" with "two" and after the second "hundred" insert "fifty"

Page 20, line 17, overstrike "sixty" and insert immediately thereafter "eighty"

Page 22, after line 18, insert:

- "12. If bingo is the primary game of chance conducted at an authorized site, no licensed organization may pay bingo prizes in which the aggregate of the bingo prizes for a quarter exceeds the total bingo gross proceeds for the quarter at that site. However, a bingo prize that equals or exceeds ten thousand dollars is excluded from the computation of the aggregate of the bingo prizes."

Page 24, line 24, remove the overstrike over "authorized" and remove "gaming"

Page 27, line 21, after the period insert "After December 31, 1993, except for an organization's authorized site that has twenty-one gross proceeds averaging less than ten thousand dollars per quarter, no organization may conduct twenty-one at an authorized site with wagers exceeding two dollars unless the organization has first installed video surveillance equipment as required by rules adopted by the commission and the equipment is approved by the attorney general."

Page 29, line 3, after the period insert "However, for an authorized site at which the game pull tabs is the only game of chance conducted and the conduct of pull tabs is exclusively through an electronic-mechanical dispensing device, expenses incurred for this game of chance may be deducted from adjusted gross proceeds, based on the average adjusted gross proceeds of all of an organization's authorized sites at which the game of pull tabs is conducted exclusively through electronic-mechanical dispensing devices, according to the following:

- a. On average adjusted gross proceeds not exceeding eight thousand dollars per quarter, an expense limitation of fifty percent.
- b. On average adjusted gross proceeds exceeding eight thousand dollars per quarter, but not exceeding twelve thousand dollars per quarter, an expense limitation of forty-five percent.
- c. On average adjusted gross proceeds exceeding twelve thousand dollars per quarter, but not exceeding sixteen thousand dollars per quarter, an expense limitation of forty percent.
- d. On average adjusted gross proceeds exceeding sixteen thousand dollars per quarter, an expense limitation of thirty-five percent."

Page 29, overstrike lines 8 through 10

Page 29, line 11, overstrike "as of July 1, 1991" and insert immediately thereafter "capital expenditures for security or video surveillance equipment used for monitoring games of chance if the equipment is required by this Act or rules adopted by the commission and the equipment is approved by the attorney general."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

SB 2080: Judiciary Committee (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2080 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections 27-05-00.1, 27-05-01, and" with "section"

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

Page 1, remove line 3

Page 1, line 4, remove "judicial districts, disposition of" and remove ", and location of"

Page 1, line 5, remove "judges' chambers"

Page 1, remove lines 7 through 22

Page 2, remove lines 1 through 29

Page 3, remove lines 1 through 29

Page 4, remove lines 1 through 4

Page 4, line 10, remove "or interim district court"

Page 4, line 14, remove "or districts"

Page 4, line 15, replace "an interim" with "a"

Page 4, line 21, replace "an" with "a"

Page 4, line 22, remove "interim"

Page 5, line 26, overstrike "forty-four" and insert immediately thereafter "forty-two"

Page 5, line 28, remove "or interim district judge" and replace "a" with "the"

Page 5, line 29, after the first "judge" insert "in the affected office"

Page 6, line 19, remove ", an interim"

Page 6, remove line 20

Page 6, line 21, remove "judgeship,", after "or" insert "by", and after "election" insert "in 1994"

Page 6, line 22, remove "interim"

Page 6, line 23, replace "an interim" with "a"

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

SB 2090: Appropriations Committee (Sen. Tallackson, Chairman) recommends DO NOT PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2090 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2206: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2206 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 26.1-45 of the North Dakota Century Code, relating to immunity from liability for volunteers of insurance counseling programs; and to"

Page 2, line 18, remove "and"

Page 2, line 19, remove "certificates"

Page 2, line 21, remove "The"

Page 2, remove lines 22 through 24

Page 2, line 25, remove "certificates."

Page 5, line 8, remove "annuities and"

Page 5, line 9, remove "life insurance"

Page 7, after line 3, insert:

"SECTION 7. A new section to chapter 26.1-45 of the North Dakota Century Code is created and enacted as follows:

Insurance counseling programs - Volunteers - Immunity from liability. A person who, on a volunteer basis, provides services or performs duties on behalf of the commissioner of insurance for an

insurance counseling program is immune from civil liability for any act or omission resulting in damage or injury if at the time of the act or omission the person who caused the damage or injury was acting in good faith, in the exercise of reasonable and ordinary care, and in the scope of that person's duties as a volunteer and the act or omission did not constitute willful misconduct or gross negligence. This section does not grant immunity to a person causing damage as a result of the negligent operation of a motor vehicle."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2217: Education Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2217 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact two new sections to chapter 15-60 of the North Dakota Century Code, relating to the authority of the board of university and school lands to make loans to school districts out of moneys in the coal development trust fund for school construction and the authority of a school board to issue evidences of indebtedness to repay a loan from the board of university and school lands; to amend and reenact sections 15-35-01.1, 15-60-01, subsection 7 of section 21-03-07, subsection 1 of section 28-32-01, subsection 1 of section 57-15-16, and subsection 1 of section 57-62-02 of the North Dakota Century Code, relating to approval by the superintendent of public instruction of certain school district construction projects, the state school construction fund, the issuance of general obligation bonds for certain projects, exceptions to the Administrative Agencies Practice Act, the use of moneys in the school building fund for the payment of bonds, and authorizing loans to be made from moneys in the coal development trust fund to school districts for school construction; and to repeal sections 15-21-20, 15-60-03, 15-60-06, 15-60-07, and 15-60-08 of the North Dakota Century Code, relating to the creation of and use of moneys in the state school construction fund.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 15-35-01.1 of the North Dakota Century Code is amended and reenacted as follows:

**15-35-01.1. Approval required for certain school district construction projects.**

1. Notwithstanding the powers and duties of school boards of public school districts otherwise provided by law, all construction, purchase, repair, improvement, renovation, or modernization of any school building or facility within a school district estimated by the school boards to cost in excess of twenty-five thousand dollars shall may not be commenced unless approved by the superintendent of public instruction. ~~The superintendent of public instruction shall not approve such school building project unless he shall find that the building will be fully or substantially usable by any reorganized school district which in his judgment is likely to be created and which would encompass all or a major portion of the school district applying for approval of the building project.~~ No such construction, purchase, repair, improvement, renovation, or modernization of any school building or facility may be approved unless the school district proposing the project demonstrates the need and the educational utility of the project under rules adopted by the superintendent of public instruction pursuant to chapter

28-32 after receiving input from the state board of public school education. In the event of disagreement between the superintendent of public instruction and the school board applying for approval of a construction project under this section, ~~such the~~ school board shall have the right to may appeal ~~such the~~ application to the state board of public school education and the decision of the state board approving or disapproving ~~such the~~ application shall be is final.

2. If a school district intends to apply for a loan from the board of university and school lands pursuant to chapter 15-60, the school district must demonstrate fiscal need and capacity to repay the loan under rules adopted by the superintendent of public instruction pursuant to chapter 28-32 after receiving input from the board of university and school lands.

3. For purposes of this section, "facility" includes a parking lot, athletic complex, or any other improvement to real property owned by the school district.

**SECTION 2. AMENDMENT.** Section 15-60-01 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15-60-01. Definitions.** As used ~~or referred to~~ in this chapter, unless the context clearly indicates otherwise requires:

1. "Bank" means the Bank of North Dakota.
2. "Board" means the state board of public university and school education lands.
- ~~2-~~ 3. "Construction" means acquisition and purchase, lease, or construction, and the term "to construct" means to acquire and to purchase, lease, or construct in such manner as may be deemed desirable.
- ~~3-~~ "Department" means the department of public instruction.
4. "Fund" means the state school construction coal development trust fund created by this chapter section 21 of article X of the Constitution of North Dakota and section 57-62-02.
5. "Improvement" means extension, enlargement, and or improvement, and the term "to improve" means to extend, to enlarge, and or to improve in such manner as may be deemed desirable.
6. "Project" means any structure, or facility, or undertaking including a technological undertaking which the board is that a school district is authorized to construct or improve, under this chapter section 15-35-01.1 and which is estimated to cost in excess of fifty thousand dollars.
7. "Superintendent" means the superintendent of public instruction.

**SECTION 3.** A new section to chapter 15-60 of the North Dakota Century Code is created and enacted as follows:

Loans.

1. The board may make loans for purposes described in this chapter to school districts from moneys deposited in the coal

development trust fund established pursuant to section 21 of article X of the Constitution of North Dakota and subsection 1 of section 57-62-02. The board shall consider an application for a loan in the order of its approval by the superintendent under subsection 2 of section 15-35-01.1. The outstanding principal balance of loans made from the fund under this chapter may not exceed twenty-five million dollars.

2. An application for a loan must be approved by the superintendent pursuant to section 15-35-01.1 before the application may be submitted to the board. The application must contain information deemed necessary by the superintendent, including a discussion of alternative sources or methods for financing the construction or improvement, and must be considered in the order of its approval under subsection 1 of section 15-35-01.1. If the superintendent approves the loan, the superintendent may also determine the loan amount and a percent of interest to be paid on the loan. In determining the amount of a loan, the superintendent shall take into account the cost of the project and the fiscal capacity of the school district. To be eligible for a loan, the school district must have an existing indebtedness equal to at least fifteen percent of the school district's taxable valuation. The interest on a loan may not exceed the rate of two percent below the net interest rate on comparable tax-exempt obligations as determined on the date the application is approved by the superintendent pursuant to section 15-35-01.1. However, the interest rate may not exceed six percent.
3. Loan applications approved by the board must be forwarded to the Bank. The Bank shall assist the board by preparing and approving the loan documents, handling the loan closing, and servicing the loan. The Bank shall receive payments of principal and interest from the school districts, and shall remit payments of principal to the board for redeposit in the fund. The interest must be used and deposited in accordance with section 21 of article X of the Constitution of North Dakota.

**SECTION 4.** A new section to chapter 15-60 of the North Dakota Century Code is created and enacted as follows:

School board may issue evidences of indebtedness. The school board of a school district may issue and sell evidences of indebtedness pursuant to chapter 21-03 to finance the construction or improvement of a project approved under this chapter. The principal amount of the loan and the evidences of indebtedness to repay the loan may not exceed the lesser of thirty percent of the taxable valuation of the school district or five million dollars. Evidences of indebtedness issued pursuant to this chapter constitute a general obligation of the school district.

**SECTION 5. AMENDMENT.** Subsection 7 of section 21-03-07 of the North Dakota Century Code is amended and reenacted as follows:

7. The governing body of any public school district may also by resolution adopted by a two-thirds vote dedicate the tax levies as authorized by section 15-51-11, 15-51-13, or 57-15-16 and may authorize and issue general obligation bonds to be paid by these dedicated levies for the purpose of providing funds for the purchase, construction, reconstruction, or repair of public school buildings; ~~provided, that the~~ or for the construction or improvement of

a project pursuant to chapter 15-60. The initial resolution authorizing the tax levy dedication and general obligation bonds must be published in the official newspaper of the school district, and any owner of taxable property within the school district may, within sixty days after publication, file with the business manager of the school district a protest against the adoption of the resolution. Protests must be in writing and must describe the property ~~which~~ that is the subject of the protest. If the governing body finds ~~such~~ the protests to have been signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property within the school district, as theretofore last finally equalized, all further proceedings under the initial resolution are barred.

**SECTION 6. AMENDMENT.** Subsection 1 of section 28-32-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Administrative agency" or "agency" means each board, bureau, commission, department, or other administrative unit of the executive branch of state government, including one or more officers, or employees, or other persons directly or indirectly purporting to act on behalf or under authority of the agency. An administrative unit located within or subordinate to an administrative agency shall be treated as part of that agency to the extent it purports to exercise authority subject to this chapter. The term administrative agency does not include:
  - a. The office of management and budget except with respect to rules relating to the central personnel system as authorized under section 54-44.3-07, rules relating to state purchasing practices as required under section 54-44.4-04, rules relating to records management as authorized or required under chapter 54-46, and rules relating to the central microfilm unit as authorized under chapter 54-46.1.
  - b. The adjutant general with respect to the division of emergency management.
  - c. The council on the arts.
  - d. The state auditor.
  - e. The department of economic development and finance.
  - f. The dairy promotion commission.
  - g. The education factfinding commission.
  - h. The educational telecommunications council.
  - i. The board of equalization.
  - j. The board of higher education.
  - k. The Indian affairs commission.
  - l. The industrial commission with respect to the activities of the Bank of North Dakota, the North Dakota housing finance agency, the North Dakota municipal bond bank, and the North Dakota mill and elevator association.

- m. The department of corrections and rehabilitation.
- n. The board of pardons.
- o. The parks and tourism department.
- p. The parole board.
- q. The superintendent of public instruction except with respect to rules prescribed under section 15-21-07, rules relating to teacher certification, and rules relating to professional codes and standards approved under section 15-38-18.
- ~~r. The state board of public school education while administering the state school construction fund.~~
- ~~s. The state fair association.~~
- ~~t. s.~~ s. The state toxicologist.
- ~~t. t.~~ t. The board of university and school lands except with respect to activities under chapter 47-30.1.
- ~~v. u.~~ u. The administrative committee on veterans' affairs except with respect to rules relating to the supervision and government of the veterans' home and the implementation of programs or services provided by the veterans' home.
- ~~w. v.~~ v. The industrial commission with respect to the lignite research fund except as required under section 57-61-01.5.

**SECTION 7. AMENDMENT.** Subsection 1 of section 57-15-16 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. The governing body of any school district shall levy taxes annually for a school building fund, not in excess of twenty mills, which levy ~~shall be~~ is in addition to and not restricted by the levy limitations prescribed by law, when authorized to do so by sixty percent of the qualified electors voting upon the question at a regular or special election in any school district. The governing body of ~~such~~ the school district may create ~~such~~ the building fund by appropriating and setting up in its budget for ~~such~~ an amount not in excess of twenty percent of the current annual appropriation for all other purposes combined, exclusive of appropriations to pay interest and principal of the bonded debt, and not in excess of the limitations prescribed by law. ~~In all cases where~~ If a portion or all of the proceeds of ~~such~~ the levy have been allocated by contract to the payment of rentals upon contracts with the state board of public school education as administrator of the state school construction fund, ~~such~~ the levy ~~shall~~ must be made annually by the governing body of the school district until the full amount of all such obligations is fully paid. Any portion of a levy for a school building fund which has not been allocated by contract with the state board of public school education must be allocated by the governing body pursuant to section 57-15-17. Upon the completion of all payments to the state school construction fund or upon payment and cancellation or defeasance of the bonds, ~~such~~ the levy may be discontinued at the discretion of the governing body of the school district, or upon petition of twenty percent of

the qualified electors who voted in the last school election, the question of discontinuance of the levy shall must be submitted to the qualified electors of the school district at any regular or special election and, upon a favorable vote of sixty percent of the qualified electors voting, ~~such the~~ levy shall must be discontinued. Any school district, executing a contract or lease with the state board of public school education or issuing general obligation bonds, which contract or lease or bond issue requires the maintenance of the levy provided in this section, shall immediately file a certified copy of ~~such the~~ contract or lease, or bond issue with the county auditor or auditors of the county or counties in which ~~such the~~ school district is located. The county auditor or auditors shall register ~~such the~~ contract or lease, or bond issue in the bond register in substantially the manner provided in section 21-03-23. Upon the filing of ~~such the~~ contract or lease, or bond issue with the county auditor or auditors, the school district ~~shall be without power to~~ may not discontinue ~~such the~~ levy and ~~such the~~ levy shall must automatically be included in the tax levy of ~~such the~~ school district from year to year by the county auditor or auditors until a sufficient sum of money has been collected to pay to the state treasurer for the retirement of all obligations of ~~such the~~ school district with the state board of public school education or to pay to the custodian of the bond sinking fund all amounts due or to become due on the bonds.

**SECTION 8. AMENDMENT.** Subsection 1 of section 57-62-02 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. Fifteen percent must be deposited in a permanent trust fund in the state treasury, to be known as the coal development trust fund, pursuant to section 21 of article X of the Constitution of North Dakota. Those funds held in trust and administered by the board of university and school lands on March 5, 1981, pursuant to section 12, chapter 563, 1975 Session Laws; section 12, chapter 560, 1977 Session Laws; or section 13, chapter 626, 1979 Session Laws must also be deposited in the trust fund created pursuant to this subsection. The fund must be held in trust and administered by the board of university and school lands for loans to coal impacted counties, cities, and school districts as provided in section 57-62-03, and for loans to school districts pursuant to chapter 15-60. The board of university and school lands may invest such funds as are not loaned out as provided in this chapter and may consult with the state investment board as provided by law. The income, including interest payments on loans, from the trust must be used first to replace uncollectible loans made from the fund and the balance must be deposited in the state's general fund. Loan principal payments must be redeposited in the trust fund. ~~Such The~~ trust fund must be perpetual and held in trust as a replacement for depleted natural resources subject to the provisions of this chapter and chapter 15-60.

**SECTION 9. REPEAL.** Section 15-21-20 of the North Dakota Century Code and sections 15-60-03, 15-60-06, 15-60-07, and 15-60-08 of the 1991 Supplement to the North Dakota Century Code are repealed."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2290: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS**

(5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2290 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

SB 2313: Judiciary Committee (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2313 was placed on the Sixth order on the calendar.

Page 1, line 11, overstrike "four" and insert immediately thereafter "five"

Page 2, line 6, after the period insert "If a city election is not held in conjunction with a state or county election, a candidate may be nominated by filing the required petition with the city auditor at least thirty-three days and before five p.m. on the thirty-third day before the holding of the election."

Page 2, line 12, overstrike "four" and insert immediately thereafter "five"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

SB 2337: Appropriations Committee (Sen. Tallackson, Chairman) recommends DO PASS (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). SB 2337 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

SB 2361: Judiciary Committee (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2361 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 16.1-05-01, 16.1-05-02, 16.1-05-03, 16.1-05-04, 16.1-05-05, 16.1-06-04, 16.1-06-16, 16.1-06-18, 16.1-06-21, 16.1-07-06, 16.1-07-08, 16.1-07-09, 16.1-07-10, 16.1-11-22, 16.1-11-24, 16.1-11-31, 16.1-13-22, 16.1-15-02.1, and 16.1-15-08 of the North Dakota Century Code, relating to election officers and election ballots; to provide an effective date; and to provide an expiration date.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 16.1-05-01 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-05-01. Election officers.** At each primary, general, and special statewide or legislative district election, and at county elections, each polling place ~~shall~~ must have an election board in attendance. The election board ~~shall~~ must consist of an election inspector and at least two election judges.

1. The election inspector ~~shall~~ must be selected in the following manner:
  - a. In all precincts established by the governing body of an incorporated city pursuant to chapter 16.1-04, the governing body shall appoint the election inspectors for those precincts and ~~shall~~ fill all vacancies occurring in those offices.
  - b. In all other precincts, the county auditor, with the approval of the majority of the board of county commissioners, shall appoint the election inspectors and ~~shall~~ fill all vacancies occurring in those offices.

The selection must be made on the basis of the inspector's knowledge of the election procedure.

- c. The election inspector shall serve ~~a term of two years~~ until a successor is named. If an inspector fails to appear for any training session without excuse, the office is deemed vacant and the vacancy shall must be filled for that election by the auditor. ~~Prior to~~ Before the next election, the appropriate appointing body or county auditor shall fill the vacancy for the remainder of the term.

Except in the case of special elections, all appointments required to be made under this section shall must be made at least twenty-one days preceding an election.

2. The election judges for each precinct ~~are the precinct committeemen receiving the largest number of votes at the precinct caucus at which they were elected, and representing the two parties that cast the largest and next largest number of votes in the state at the last general election. If for any reason a precinct committeeman does not wish to serve as an election judge, the committeeman shall appoint from the committeeman's precinct a member of the committeeman's party to serve as election judge. If the appointment is not made, the position must be filled by appointment appointed by the district party chairman chairmen representing the two parties whose candidate for governor received the largest number of votes in the state at the last general election at which a governor was elected.~~ Each election judge must be given a certificate of appointment signed by the chairman of the district committee of the judge's party. In voting precincts or districts in which over one thousand votes are cast in any election, the county auditor may request each district party chairman to appoint an additional election judge. The district ~~committee~~ party chairman shall notify the county auditor of the counties in which the precincts are located of the appointment of the election judges at least twenty-one days before the primary, general, or special election. If this notice is not received within the time specified in this section, the county auditor shall appoint the judge judges. If at any time before or during an election, it shall be made to appear to an election inspector, by the affidavit of two or more qualified electors of the precinct, that ~~either of the any~~ any election judges judge or any poll clerk is disqualified under this chapter, the inspector shall remove that judge or clerk at once and shall fill the vacancy by appointing a qualified person of the same political party as that of the judge or clerk removed. If the disqualified judge or clerk had taken the oath of office as prescribed in this chapter, the inspector shall place the oath or affidavit before the state's attorney of the county.
3. Poll clerks shall must be appointed by the election judges district party chairmen. Each election judge district party chairman may appoint one poll clerk. However, in voting precincts or districts in which over three hundred votes are cast in any election, ~~election judges~~ the district party chairmen may each appoint ~~one additional poll clerk~~ as determined by the county auditor. The appointment of poll clerks by the election judges ~~shall~~ district party chairmen must be made on the basis of the prospective clerks' knowledge of the election procedure and ability to write legibly. ~~All election precincts that use voting machines as~~

~~authorized in chapter 16.1-06 may, in addition to all other authorized poll clerks, have as many as two additional poll clerks appointed by each election judge. The additional poll clerks shall be appointed on the same basis as other poll clerks.~~

SECTION 2. AMENDMENT. Section 16.1-05-02 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-05-02. Qualifications of members of the board of election - Oath of office.**

1. Every member of the election board and each poll clerk must be a qualified elector of the precinct in which ~~he~~ the person is assigned to work and must be eligible to vote at the polling place to which ~~he~~ the person is assigned.
2. No person may serve as a member of the election board or as a poll clerk who:
  - a. Has anything of value bet or wagered on the result of an election.
  - b. Is a candidate in the election at which ~~he~~ the person is serving.
  - c. Is the husband, wife, father, mother, father-in-law, mother-in-law, son, daughter, son-in-law, daughter-in-law, brother, or sister, whether by birth or marriage, of the whole or the half-blood, of any candidate in the election at which ~~he~~ the person is serving.
3. Prior to assuming their duties, all members of the election board and the poll clerks severally shall take and subscribe an oath in substantially the following form:

I do solemnly swear (or affirm as the case may be), that I will perform the duties of inspector, judge, or clerk (as the case may be) according to law and to the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same.

~~Such~~ The oath may be taken before any officer authorized by law to administer oaths, and in case no such officer is present at the opening of the polls, the inspector or election judges shall administer the oath to each other and to the poll clerks. The person administering the oath shall cause an entry thereof to be made and subscribed by ~~him~~ that person and prefixed to ~~the~~ each pollbook.

4. ~~A person serving as a member of the election board shall, prior to each election, attend a period of instruction conducted by the county auditor or his designated representative, provided that such period of instruction has been conducted since the appointment of the election judges or election inspector.~~
5. If any member of the election board fails to appear at the hour appointed for the opening of the polls, the remainder of the board shall select a person to serve in the absent person's place. In filling a vacancy in the office of election judge or clerk, the remainder of the board shall select a person of the absent person's political party if such a person is reasonably available. The office of

election inspector may be filled by any qualified person without regard to political affiliation. If no members of the election board appear at the hour appointed for opening the polls, the qualified electors present shall orally elect a board as nearly as possible in conformity with the provisions of this section. ~~If any poll clerk fails to appear at the opening of the polls, the election judge who appointed the absent clerk may appoint a person from the same political party to fill the vacancy.~~

**SECTION 3. AMENDMENT.** Section 16.1-05-03 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-05-03. Secretary of state and county auditors to distribute election information - County auditor to provide instruction.**

1. Not less than thirty days before any primary, general, or special election, the secretary of state shall provide an instruction manual approved by the attorney general, which in layman's terms presents in detail the responsibilities of each election official. The secretary of state shall forward sufficient copies of this manual to each county auditor who shall distribute ~~them~~ the manuals to each member of all the election boards in the county.
2. Not more than twenty days, ~~but at least three days~~ before each primary, general, or special statewide or legislative district election, each county auditor or the auditor's designated representative shall conduct ~~one or, at the auditor's option, two~~ training sessions on election laws and election procedures for election officials in the county. The session or sessions must be conducted at such place or places throughout the county as the county auditor determines to be necessary. Attendance at the session is mandatory for members of the election board and for poll clerks unless the board of county commissioners ~~of the county~~ determines that the poll clerks in that county may not attend. The county auditor shall notify the members of the election boards, poll clerks if applicable, and the state's attorney of the time and place of the session. The state's attorney shall attend all sessions to give advice on election laws. The county auditor shall invite the district chairman in that county representing any political party casting at least five percent of the total votes cast for governor at the last election to attend the session at the chairman's own expense. On the date of such course or courses, the county auditor may deliver to all election inspectors at such meeting the official ballots, ~~suitable manila envelopes,~~ and all other materials as provided in chapter 16.1-06. Except as otherwise provided in this section, each person attending the course or courses must be compensated as provided in section 16.1-05-05.
3. An election official, at the option of the county auditor, may be required to attend only one training session on election laws within a twelve-month period. After an election official has attended a training session, the election official must be compensated at the pay appropriate for those having attended a training session, as provided in section 16.1-05-05, for any subsequent elections.

**SECTION 4. AMENDMENT.** Section 16.1-05-04 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-05-04. Duties of the members of the election board during polling hours.**

1. The election inspector shall supervise the conduct of the election to ensure all election officials are properly performing their duties at the polling place. The election inspector shall assign duties so as to equally and fairly include both parties represented on the election board.
2. The election inspector shall assign ministerial duties to poll clerks, who shall carry out the ministerial duties assigned by the election inspector.
3. The election inspector shall assign ~~two~~ the poll clerks, ~~one~~ an equal number from each political party represented on the election board, to perform the function of maintaining the pollbooks. The ~~two~~ designated poll clerks shall each maintain ~~a pollbook~~ the pollbooks. Each pollbook must contain the name and address of each person voting at the precinct, and must be arranged in the form and manner prescribed by the secretary of state.
4. The members of the election board shall challenge the right of anyone to vote whom they know or have reason to believe is not a qualified elector.
5. Each member of the election board shall remain on the premises of the polling place during the time the polls are open to prevent the occurrence of fraud, deceit, or other irregularity in the conduct of the election.
6. All members of the election board shall distribute ballots and other election materials to electors. ~~Both~~ An election ~~judges~~ judge ~~from each party represented on the election board~~ shall ~~together~~ give any assistance requested by electors in marking ballots or operating voting machines. The election officers shall instruct voters on how to open and close voting machines and how to move the levers to cast and change votes.
7. Each member of the election board shall maintain order in the polling place.
8. All members of the election board at each precinct using an electronic voting system shall, before the polls are open, verify that each voting device in that precinct contains a ballot label that correctly lists the names of the candidates legally on the ballot for that precinct and verify that the booklets are all identical in arrangement.

**SECTION 5. AMENDMENT.** Section 16.1-05-05 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-05-05. Compensation of election officers - Commissioner of labor to certify minimum wage applicable to election officials - Secretary of state to certify amount to county auditors.** The state commissioner of labor, thirty days before each statewide primary, general, or special election, shall determine the state minimum wage applicable to election inspectors, election judges, poll clerks, or any other private individual who performs duties in the election process, and shall certify the amounts to the secretary of state. The secretary of state shall then certify the amounts to the county auditors. ~~As required by this title, the~~ The county auditors shall pay at least the amounts so determined to the relevant election officials. Members of the election board and poll clerks who attend the training sessions

provided by section 16.1-05-03 must be paid at least the wage determined by the state commissioner of labor for the hours in attendance in the session in addition to necessary expenses and mileage; ~~however, for poll clerks, and for judges the combined wages for the training sessions and election may not exceed sixty dollars or any greater amount as determined by the board of county commissioners.~~ State, county, or other election officials who are required to incur expenses while performing duties in the election process may be reimbursed only for their actual and necessary expenses and mileage in the performance of those duties, in accordance with sections 54-06-09, 44-08-04, and 11-10-15. Other persons performing election duties must also be paid for expenses and mileage in like manner and amounts. Members of election boards who attend the training sessions provided by section 16.1-05-03 must be paid at least twenty-five percent more than the minimum wage determined in this section, during the time spent in the performance of their election duties.

**SECTION 6. AMENDMENT.** Section 16.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-06-04. Form and quality of ballots generally.** All official ballots prepared under ~~the provisions of~~ this title for use in precincts in which voting machines or electronic voting systems are not used must:

1. Be a specific color, and the secretary of state shall prescribe a different color for each separate type of ballot used.
2. Be printed on uniform quality paper in an ink color suitable to make the ballot clearly legible.
3. Be of sufficient length to contain the names of all candidates to be voted for at ~~such~~ that election.
4. Have the language "Vote for no more than \_\_\_\_\_ name (or names) ~~only~~" placed immediately under the name of each office.
5. Have printed thereon "Place a crossmark (X) by the name of the person for whom you wish to vote. To vote for a person whose name is not printed on the ballot write or paste that person's name in the blank space provided for that purpose."
6. Leave sufficient space for each office to write or paste a name, or names, as the case may be, in lieu of those printed on the ballot.
7. Provide a space enclosed in a square in which the voter may designate by a cross or other mark ~~his~~ the voter's choice for each candidate opposite the name of ~~such~~ that candidate, and ~~such~~ the space must precede or follow the candidate's name on the same line in a uniform manner.
8. Provide a space enclosed in a rectangle and have printed next to the rectangle the following language: "All ballots, other than those used to vote absentee, must first be stamped and initialed by appropriate election officials in order to be counted." If a stamp with an inkpad is not required under section 16.1-06-18, the language next to the rectangle must be: "All ballots, other than those used to vote absentee, must first be initialed by appropriate election officials in order to be counted."

Any precinct ~~which~~ that uses an electronic counting machine may require the use of a particular writing instrument to mark the ballot so the ballots may be properly counted.

In precincts in which electronic voting systems purchased after June 30, 1985, are used, the ballot card must contain the names of all candidates, the contents of measures as required by section 16.1-06-09, and the statements of questions to be submitted to the voters. The ballot card must otherwise be arranged in a manner and form approximating as far as possible the requirements of this section.

In precincts in which voting machines or electronic voting systems purchased before July 1, 1985, are used, the list of officers and candidates and the statements of measures and questions to be submitted to the voters must be arranged in a manner and form approximating the requirements of this section. In precincts in which electronic voting systems are used, the requirements of subsection 8 must be met for the ballot card and ballot envelope.

**SECTION 7. AMENDMENT.** Section 16.1-06-16 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-06-16. County auditor to provide and distribute ballots - Other election supplies delivered at same time.** For each election precinct in the county, the county auditor shall provide the number of ballots the auditor determines to be necessary. Each county auditor shall:

1. Have the ballots printed at least fifteen days ~~prior to~~ before the election, and the ~~same~~ ballots may be inspected by any person at the auditor's office.
2. Deliver to the inspector in each precinct at least three days but not more than fifteen days ~~prior to~~ before the election the number of ballots ~~and blank forms of~~, pollbooks, blanks for election returns with the proper captions if ballots are to be hand counted, forms of oaths and certificates, ~~and tally sheets necessary to carry out the provisions of this title, and other election supplies as the county auditor determines necessary.~~

**SECTION 8. AMENDMENT.** Section 16.1-06-18 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-06-18. Delivery of ballots and manila wrappers - Official stamp delivered.** At the meeting provided for in section 16.1-05-03, the county auditors shall deliver, or cause to be delivered, by mail or other reliable method, to the inspector of elections in each precinct the official ballots, if available, ~~together with suitable manila wrappers. Such.~~ The ballots and manila wrappers must be delivered in sealed packages marked plainly on the outside designating the number of ballots enclosed and the precinct for which they the ballots are intended. The county auditor also shall deliver or cause to be delivered to such the inspector, or if that is impracticable, to one of the election judges of such the precinct, a stamp with an and inkpad for the purpose of stamping each ballot with the words "official ballot" and the name or number of the precinct, the name of the county, the date of the election, and providing for a blank line preceded by the word "initials" for the purpose of providing a space where the judge or inspector shall place his initials. He also initial the ballot. The stamp and inkpad are not required if that information is preprinted on the ballot. The county auditor shall deliver or cause to be delivered a manila wrapper and a suitable seal for the purpose of wrapping and sealing the stamp and inkpad at the close of the voting but prior to before the counting of the ballots. He if a stamp is

required. The county auditor also shall deliver or cause to be delivered a suitable seal, which has the name of the county inscribed thereon, for the purpose of sealing the wrapper containing the ballots as provided in section 16.1-15-08.

**SECTION 9. AMENDMENT.** Section 16.1-06-21 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-06-21. Pollbooks delivered by county auditor - Contents - Inspector of elections to deliver.** ~~The county auditor of each county shall see that two copies of the new pollbook are delivered to the election inspector in each election precinct in the county. Each~~ The following information must be provided to the inspector, and may be contained in each new pollbook must contain:

1. A copy of the law prescribing the qualifications of electors.
2. A copy of the provisions of this title relating to the duties of inspectors, judges, and clerks of election.
3. A statement of the penalties imposed for offenses against the election laws.
4. Blanks for all entries required to be made therein in the pollbook, or a preprinted listing of previous voters and blanks for the entry of new voters.

~~The election inspector shall deliver the pollbooks, or cause them~~ the pollbooks to be delivered, to the clerks of election in ~~his~~ the inspector's precinct on election day ~~prior to~~ before the opening of the polls.

**SECTION 10. AMENDMENT.** Section 16.1-07-06 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-07-06. Application form.**

1. Application for an absent voter's ballot must be made on a blank furnished by the proper officer of the county, city, or school district ~~of~~ which the applicant is an elector, or on any blank containing the required following information and ~~in substantially the following form:~~

~~I, \_\_\_\_\_, a duly qualified elector of the township of \_\_\_\_\_, or of the \_\_\_\_\_ precinct of the \_\_\_\_\_ ward and residing at \_\_\_\_\_ in the city of \_\_\_\_\_ of the county of \_\_\_\_\_ of the state of North Dakota, to my best knowledge and belief entitled to vote in such precinct at the next election, hereby make application for an official absent voter's ballot to be voted by me at such election. I understand that it is a criminal offense to make a false statement in order to obtain an absentee ballot.~~

~~I have resided in my precinct for at least thirty days.~~

~~My phone number is \_\_\_\_\_.~~

~~Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.~~

~~\_\_\_\_\_  
(signature of applicant)~~

~~\_\_\_\_\_  
(mailing address)~~

a. The applicant's name.

- b. The applicant's voting address.
  - c. The applicant's mailing address.
  - d. The election for which the ballot is being requested.
  - e. The applicant's reason for voting absentee as specified in section 16.1-07-01.
  - f. The date of the request.
  - g. The applicant's signature.
2. A qualified elector ~~who is~~ absent from the state is not required to file an application for an absent voter's ballot for a ~~primary or general~~ any statewide election if either of the following apply:
- a. The elector is a member, or spouse or dependent of a member, of the United States armed forces or merchant marine.
  - b. The elector is a United States citizen living outside the United States.

If the qualified elector furnishes the county auditor with a current mailing address and the elector's local residence or precinct, the county auditor shall mail to the qualified elector a ballot with a return envelope and instructions for voting. ~~The county auditor may maintain a list of the qualified electors receiving a ballot for the primary election and may mail those electors a ballot for the next general~~ any statewide election in that calendar year.

**SECTION 11. AMENDMENT.** Section 16.1-07-08 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-07-08. Delivering ballots - Envelope accompanying - Statement on envelope - Inability of elector to sign name.**

1. Upon receipt of an application for an official ballot properly filled out and duly signed, or as soon thereafter as the official ballot for the precinct in which the applicant resides has been prepared, the county auditor, city auditor ~~of the city~~, or business manager of the school district, as the case may be, shall send to the absent voter by mail, at the expense of the political subdivision conducting the election, one official ballot, or personally deliver the ballot to the applicant or the applicant's agent, which agent may not, at that time, be a candidate for any office to be voted upon by the absent voter. The agent shall sign the agent's name before receiving the ballot and deposit with the auditor or business manager of the school district, as the case may be, authorization in writing from the applicant to receive the ballot or according to requirements ~~hereinafter~~ set forth for signature by mark. No person may receive compensation, including money, goods, or services, for acting as an agent for an elector, nor may a person act as an agent for more than four electors in any one election. A voter voting by absentee ballot may not require the political subdivision providing the ballot to bear the expense of the return postage for an absentee ballot.

2. If there is more than one ballot to be voted by an elector of ~~such the~~ precinct, one of each kind shall ~~shall~~ must be included and an envelope shall ~~shall~~ must be enclosed with ~~such the~~ ballot or ballots. ~~Such The front of the envelope shall must~~ bear upon ~~the front thereof~~ the name, official title, and post-office address of the officer supplying the voter with the ballot, and upon the other side a printed statement in substantially the following form:

State of \_\_\_\_\_ )  
 ) ss.  
 County of \_\_\_\_\_ )

I, \_\_\_\_\_, under penalty of possible criminal prosecution for making a false statement, do solemnly swear that I am a resident of the township of \_\_\_\_\_, or of the \_\_\_\_\_ precinct of the \_\_\_\_\_ ward in the city of \_\_\_\_\_, residing at \_\_\_\_\_ in said county, county of \_\_\_\_\_ and state of North Dakota, and entitled to vote in such precinct at the next election; that I expect to be absent from the ~~said county~~ precinct of my residence on the day of ~~holding such the~~ election or that by reason of physical disability I am unable to attend at the polling place for ~~such the~~ election, and that I will have no opportunity to vote in person on that day.

If ~~such the~~ absent voter is unable to sign ~~his the voter's~~ name, he ~~the voter~~ shall ~~make his~~ mark (X) that statement in the presence of a disinterested person. ~~Such The~~ disinterested person shall print the name of the person marking ~~his the~~ X below the X, and shall sign ~~his th~~ person's own name following the printed name with the notation "witness to ~~his the~~ mark".

**SECTION 12. AMENDMENT.** Section 16.1-07-09 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-07-09. Canvassing of mailed absent voters' ballots received late.** In the case of congressional, state, county, city, or school district elections, if an envelope postmarked ~~prior to~~ by the United States postal service or other mail delivery system before the date of election and containing an absent voter's ballot is received by the officer too late to be forwarded to the proper voting precinct in time to be tabulated, the ~~same~~ ballot must be tallied by the canvassing board of the county, the governing body of the city, or the school board of the school district, as the case may be, at ~~such the~~ time as the returns are canvassed. Any envelope without a postmark by the United States postal service or other mail delivery system or with an illegible postmark and containing an absentee voter's ballot must be received by mail by the proper officer within twenty-four hours after the closing of the polls on election day ~~in order~~ to be canvassed and counted. An absent voter may personally deliver the absent voter's ballot to the appropriate officer's office at any time ~~prior to four p.m.~~ before the normal closing time of that office on the day before the election. Before forwarding any ballot to a canvassing board pursuant to this section, the officer forwarding ~~such the~~ ballot shall print the date and hour of receipt on the envelope. Upon receipt, the canvassing board shall first determine that the elector was qualified to vote in that precinct and that the elector did not previously vote in that precinct on the date of the election before allowing ~~such the~~ ballot to be tallied.

**SECTION 13. AMENDMENT.** Section 16.1-07-10 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-07-10. Care and custody of ballot.** Upon receipt of an envelope containing the absent voter's ballot, the proper officer ~~forthwith~~ immediately shall ~~enclose the same unopened, together with~~ attach the written application of such the absent voter, in a larger envelope which must be and file the ballot with other absentee ballots from the same precinct. Before delivering the absentee ballots to the precinct, the proper officer shall package the ballots in a manner so the ballots are sealed securely and. The package must be endorsed with the name of the proper voting precinct, the name and official title of the officer, and the words "This envelope package contains an absent voter's ballot and must be opened only on election day at the polls while the same polls are open." ~~Such~~ The officer shall keep the envelope package safely in his the officer's office until it is delivered by ~~him~~ the officer as provided in this chapter.

**SECTION 14. AMENDMENT.** Section 16.1-11-22 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-11-22. Primary election ballot - Form - Voters to vote for candidates of only one party.** At the primary election there may be only one ballot for all parties or principles. The ballot must be in the following form:

1. The ballot must be entitled the "consolidated primary election ballot", and the title must be printed at both ends of the ballot so there is an upright title no matter which way the ballot is held.
2. Each party or principle having candidates at the primary election ~~shall~~ must have a separate column on the ballot; the columns must be separated by a solid six-point rule.
3. At the head of each column must be printed the name of the political party or principle which it represents.
4. In each column below the party or principle title must be printed: "You may vote for the candidates of only one party at the primary election. If you vote for candidates of more than one party, your ballot will be rejected."
5. Immediately below the warning against voting for candidates of more than one party must be printed: "Put a crossmark (X) opposite the name of the candidate for whom you wish to vote. To vote for a person whose name is not printed on the ballot write or paste that person's name in the blank space provided for that purpose."
6. The offices specified in section 16.1-11-26 must be arranged in each column with the name of each office in the center of each party column at the head of the names of the aspirants for the office.
7. Immediately under the name of each office must be printed: "Vote for no more than \_\_\_\_\_ name (or names) only."
8. At the side of the name of each aspirant and in a column must be printed a square or other figure for making a crossmark or other mark. No squares or other figures may be printed at the head of the ballot.
9. The political party or principle which cast the largest vote for governor at the most recent primary election at which the office of governor was voted upon ~~shall~~ must have the

left-hand column, and the party or principle casting the next largest vote ~~shall~~ must have the next column, and so on.

The judges and the inspector of elections shall inform each elector at the primary, before voting, that if ~~he~~ the voter votes for candidates of more than one party ~~his~~ the voter's ballot will be rejected.

**SECTION 15. AMENDMENT.** Section 16.1-11-24 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-11-24. No-party primary ballot - Contents.** There must be a separate ballot at all primary elections which must be entitled "no-party primary ballot". The names of aspirants for nomination to each office must be arranged on the no-party primary ballot in separate groups in their order. In precincts in which voting machines are used, the list of offices and candidates must be entitled "no-party primary ballot" in a manner to indicate clearly the separation of the no-party list of offices and candidates from the party list of offices and candidates. The names of all candidates for any of the offices mentioned in section 16.1-11-08 must be placed ~~thereon~~ on the ballot without party designation. Immediately under the name of each office must be placed the language, "Vote for no more than \_\_\_\_\_ name (or names) only." The number inserted must be the number to be elected to the office at the next succeeding general election.

**SECTION 16. AMENDMENT.** Section 16.1-11-31 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-11-31. Tally books or sheets provided for election precincts - Form and contents.** Two tally books or two sets of tally sheets must be provided for each voting precinct not using electronic ballot counters. The books or sheets must contain a column for each political party or principle having candidates to be voted for at the voting precinct. Two tally books or two sets of tally sheets for candidates on the no-party ballot must be provided for each voting precinct. The books or sheets must be furnished by the county auditor at the same time and in the same manner as the pollbooks and ballots are furnished. The names of the candidates must be placed on the tally books or sheets in the order in which they appear on the official sample ballot, and, as appropriate, must have the proper party or no-party designation at the head thereof.

**SECTION 17. AMENDMENT.** Section 16.1-13-22 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-13-22. Delivering ballot to elector - Stamping.** The inspector or one of the election judges shall deliver ballots to the qualified electors. The inspector or judge delivering the paper ballot or ballot card, ballot stub, and ballot envelope shall inform each elector that if the ballot is not stamped and initialed by an election official it will be invalidated and to protect the elector's right to vote the elector should verify that the ballot has been stamped and initialed.

1. The ballot is considered stamped if it is either stamped with a stamp and an inkpad or has the stamped information preprinted on the ballot, as provided in section 16.1-06-18.
2. When an electronic voting system is used, the inspector or judge delivering the ballot card, ballot stub, and ballot envelope shall inform each elector that if the ballot stub is detached by anyone except an election inspector or judge, the ballot card and ballot envelope may not be deposited in the ballot box, but must be marked spoiled and placed with the other spoiled ballots.

3. At primary elections, the inspector or judge shall also inform each elector that if the elector splits the ballot or votes for candidates of more than one party the elector's ballot will be rejected.
4. Before delivering any ballot to an elector, the inspector or judge shall stamp once in the rectangle provided on the ballot or ballot card and ballot envelope, if required under subsection 1, the designation "official ballot" and the other words provided for in section 16.1-06-18, and also shall ~~write his or her initials thereon~~ initial the ballot. Failure to stamp and initial a ballot or ballot card in the proper place does not invalidate ~~such~~ the ballot or ballot card, but a complete failure to stamp and initial a ballot or ballot card does invalidate the ballot or ballot card. Failure to stamp and initial a ballot envelope in the proper place on the ballot envelope does not invalidate the ballot envelope, but complete failure to stamp and initial a ballot envelope that has been used to write in a vote does invalidate the ballot envelope and the vote found thereon.

**SECTION 18. AMENDMENT.** Section 16.1-15-02.1 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-15-02.1. Alternative method for canvassing election for counties using electronic voting systems or electronic counting machines - County canvassing resolution board.** At the option of the county auditor in any county using electronic voting systems or electronic counting machines, the county canvassing resolution board, in lieu of the election boards, shall canvass the votes for those precincts using either device. The county auditor shall select the county resolution board, which must consist of one independent representative and an equal number of representatives from each political party represented on the election board. The board shall canvass the votes in the same manner as required for the election boards insofar as those provisions of law are applicable. The auditor shall notify the county canvassing resolution board of this duty not less than one week ~~prior to~~ before the election. This procedure is in addition to the canvass of returns that the county canvassing board must perform as provided in this chapter.

**SECTION 19. AMENDMENT.** Section 16.1-15-08 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-15-08. Wrapping and returning of ballots to county judge or magistrate.** After having prepared the reports and poll lists provided for in section 16.1-15-06 for delivery to the county auditor, the ~~inspector and election judges~~ election board shall cause the ballots of each kind cast at the election to be ~~smoothly spread upon~~ placed in a suitable wrapper of strong durable paper of the same width as the ballots and of sufficient strength to permit its being folded to form a complete wrapper for the ballots. The ballots and wrappers must then be folded tightly together and the wrapper must be pasted or glued securely tightly secured at the outer end to completely envelop and hold the ballots together. Ballots ~~which~~ that are void must be wrapped secured in a separate wrapper and must be marked "void". Ballots ~~which~~ that are spoiled must be separately wrapped secured and marked "spoiled". In ~~folding and sealing~~ ballots, the various classes of ballots must be kept separate. ~~The judges shall fold all ballots counted by them, except those which are void, and shall place them in manila wrappers, not exceeding two hundred ballots to each wrapper.~~ Each wrapper must be endorsed with the name or number of the precinct and the date on which the election was held. The wrappers must be sealed securely in a manner prescribed by the secretary of state so the

wrappers cannot be opened without an obvious and permanent breaking of the seal. The ballots, together with those found void or spoiled, and ~~together with~~ the opened envelopes from voted absentee ballots and the unopened envelopes of absentee ballots rejected as defective, must be returned either in person ~~or by mail~~ to the county judge or to the magistrate for the county appointed and assigned under section 27-07.1-07. Ballots used with any electronic voting system or counted by an electronic counting machine must be ~~wrapped, sealed,~~ and returned as provided in this section.

**SECTION 20. AMENDMENT.** Section 16.1-15-08 of the North Dakota Century Code, as amended by section 54 of chapter 326 of the 1991 Session Laws of North Dakota, is amended and reenacted as follows:

**16.1-15-08. Wrapping and returning of ballots to district judge or magistrate.** After having prepared the reports and poll lists provided for in section 16.1-15-06 for delivery to the county auditor, the ~~inspector and election judges~~ election board shall cause the ballots of each kind cast at the election to be ~~smoothly spread upon placed in a suitable wrapper of strong durable paper of the same width as the ballots and of sufficient strength to permit its being folded to form a complete wrapper for the ballots.~~ The ballots and wrappers must then be ~~folded tightly together and the wrapper must be pasted or glued securely tightly secured~~ at the outer end to completely envelop and hold the ballots together. Ballots ~~which that~~ are void must be ~~wrapped secured~~ in a separate wrapper and must be marked "void". Ballots ~~which that~~ are spoiled must be separately ~~wrapped secured~~ and marked "spoiled". In ~~folded and~~ sealing ballots, the various classes of ballots must be kept separate. ~~The judges shall fold all ballots counted by them, except those which are void, and shall place them in manila wrappers, not exceeding two hundred ballots to each wrapper.~~ Each wrapper must be endorsed with the name or number of the precinct and the date on which the election was held. The wrappers must be sealed securely in a manner prescribed by the secretary of state so the wrappers cannot be opened without an obvious and permanent breaking of the seal. The ballots, together with those found void or spoiled, and ~~together with~~ the opened envelopes from voted absentee ballots and the unopened envelopes of absentee ballots rejected as defective, must be returned either in person ~~or by mail~~ to a district judge serving the county or to a magistrate appointed by the presiding judge of the judicial district. Ballots used with any electronic voting system or counted by an electronic counting machine must be ~~wrapped, sealed,~~ and returned as provided in this section.

**SECTION 21. EFFECTIVE AND EXPIRATION DATES.** If section 54 of chapter 326 of the 1991 Session Laws of North Dakota becomes effective, section 19 of this Act is effective until January 2, 1995, and after January 1, 1995, is ineffective, and section 20 of this Act becomes effective on January 2, 1995. If section 54 of chapter 326 of the 1991 Session Laws of North Dakota does not become effective, section 20 of this Act does not become effective."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2371: Industry, Business and Labor Committee (Sen. Langley, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2371 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2379: Education Committee (Sen. Heinrich, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2379 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

SB 2390: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2390 was placed on the Sixth order on the calendar.

Page 2, line 3, after the period insert "If a participating physician refers a patient to a nonparticipating physician, the referring physician shall inform the patient that the physician to whom the referral is being made is nonparticipating and this may result in the patient being subject to charges greater than those to which the patient would be subject if the patient were being treated by a participating provider. The health service corporation shall provide a listing of all participating physicians to all participating physicians annually. The corporation shall provide monthly updates of the listing of the nonparticipating providers."

Re-number accordingly

## REPORT OF STANDING COMMITTEE

SB 2391: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2391 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "and the land on"

Page 1, line 10, remove "which it is located"

Re-number accordingly

## REPORT OF STANDING COMMITTEE

SB 2401: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2401 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

SB 2403: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO NOT PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2403 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

SB 2421: Judiciary Committee (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2421 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "two cases" with "one package" and remove "each case"

Page 1, line 12, replace "nine" with "two"

Page 1, remove lines 19 through 22

Re-number accordingly

## REPORT OF STANDING COMMITTEE

SB 2423: Education Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2423 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "public funds or"

Page 1, line 9, remove "public funds,"

Page 1, line 10, remove the comma

Page 1, line 12, after "foundations" insert ", subject to an annual audit,"

Page 1, line 21, after the period insert "The records of a foundation are not subject to audit under section 54-10-14."

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2425: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2425 was placed on the Sixth order on the calendar.**

Page 1, line 4, after "continuation" insert "or amendment" and replace "financial" with "financing"

Page 1, line 15, replace "A" with "No"

Page 1, remove lines 16 and 17

Page 1, line 18, remove "period of five years from the date of such filing and no"

Page 1, line 19, replace "refiling" with "filing"

Page 1, line 20, replace "continuation statement filed for" with "amendment that is limited to including debtor identification numbers to"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2443: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2443 was placed on the Eleventh order on the calendar.**

**REPORT OF STANDING COMMITTEE**

**SB 2450: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS and BE REREFERRED to the Appropriations Committee (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2450 was placed on the Sixth order on the calendar.**

Page 1, line 1, remove "and"

Page 1, line 2, after "penalty" insert "; and to provide an appropriation"

Page 2, line 25, after "hospital" insert "revenue"

Page 3, line 10, after "the" insert "state or"

Page 4, line 28, after "revenue" insert "review"

Page 6, line 12, after "payer" insert a comma and after the first "hospital" insert a comma

Page 7, after line 28, insert:

**"SECTION 8. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the insurance regulatory trust fund in the state treasury, not otherwise appropriated, to the commissioner of insurance

for the purpose of licensing hospital revenue review agents for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Salaries and benefits	\$113,000
Equipment	25,000
Operating	<u>39,000</u>
Total special funds appropriation	\$177,000"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

SB 2497: Education Committee (Sen. Heinrich, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2497 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2504: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2504 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2509: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2509 was placed on the Sixth order on the calendar.

Page 1, line 14, overstrike the second "the" and insert immediately thereafter "actual"

Page 1, line 15, overstrike "process" and insert immediately thereafter "operations at any time from the initial stage where the raw material is first acted upon and changed in any essential respect through the completion and packaging of the product"

Page 1, line 18, after "result" insert "and environmental control equipment required to maintain certain levels of humidity or temperature in a special and limited area of the manufacturing facility where the regulation is essential for production to occur"

Page 2, line 9, remove the overstrike over "~~used solely in~~" and remove "that the machinery or"

Page 2, line 10, remove "equipment is indispensable to"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

SB 2513: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2513 was placed on the Sixth order on the calendar.

Page 1, line 10, after "utility" insert "including construction work in progress for new facilities that use lignite mined in this state to generate electricity, as well as additions or modifications to existing lignite facilities.", remove the overstrike over the period, and replace "and" with "The commission shall allow a public utility for those new or existing facilities utilizing lignite mined in this state as its primary fuel"

Page 1, line 11, replace "The commission shall also allow a public utility to include in its" with "To recover its research and development costs incurred to develop lignite more cleanly, efficiently, or"

economically, including a reasonable rate of return on capital expenditures; and"

Page 1, remove lines 12 through 19.

Page 1, line 20, replace "mined in this state to" with "2. To" and replace "added" with "incremental"

Page 1, line 22, replace "shall also" with "may"

Page 2, remove lines 3 through 10

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

SB 2514: Education Committee (Sen. Heinrich, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2514 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2517: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2517 was placed on the Sixth order on the calendar.

Page 1, line 10, remove the overstrike over "~~unless the~~"

Page 1, line 11, remove the overstrike over "~~activities are held in a publicly owned facility,~~"

Page 1, line 16, after the period insert "Gross receipts from educational, religious, or charitable activities held in a publicly owned facility are exempt if the sponsoring organization is a nonprofit music or dramatic arts organization that is exempt from federal income taxation and is organized and operated for the presentation of live public performances of musical or theatrical works on a regular basis."

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

SB 2518: Judiciary Committee (Sen. Maxson, Chairman) recommends DO NOT PASS (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2518 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2519: Education Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2519 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "by" with "in"

Page 1, line 10, after "district" insert "involved in a reorganization"

Page 2, line 10, replace "teacher's" with "reorganized"

Page 2, line 11, remove "previous"

Page 2, line 16, replace "the" with "a" and after "district" insert "involved in the reorganization"

Page 2, line 18, replace the first "the" with "a" and after "district" insert "involved in the reorganization"

Page 2, line 22, after "the" insert "reorganized"

Page 2, line 24, after "the" insert "current"

Page 2, line 25, after the first "the" insert "reorganized"

Page 2, line 27, after the first "the" insert "reorganized" and after the second "the" insert "reorganized"

Page 3, line 10, after "a" insert "reorganized" and remove "that did not renew the teacher's"

Page 3, line 11, remove "contract"

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2524: Judiciary Committee (Sen. Maxson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2524 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "and" and remove the comma

Page 1, line 4, remove "sections 29-26-22, and 29-27-02.1"

Page 1, line 5, remove ", court administration fees, and the disposition of"

Page 1, line 6, remove "statutory fees; and to provide an effective date"

Page 1, line 12, after "action" insert ", adult abuse proceeding under chapter 14-07.1,"

Page 2, remove lines 7 through 29

Page 3, remove lines 1 through 19

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2525: Industry, Business and Labor Committee (Sen. Langley, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2525 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2526: Human Services Committee (Sen. Mathern, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2526 was placed on the Sixth order on the calendar.

Page 1, line 3, after "counselors" insert "; and to provide an effective date"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 43-47-01 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**43-47-01. Definitions.** As used in this chapter, unless the context otherwise requires:

1. "Board" means the board of counselor examiners.
2. "Counseling" means assisting an individual, group, or family to develop understanding of intrapersonal and interpersonal problems; to define and set goals, make decisions, and plan a

course of action reflecting the needs, interests, and abilities of the person or persons; and to use informational and community resources as needed for personal, social, educational, and vocational development and adjustment.

3. "Counselor" means a person who has been granted either a professional counselor or associate professional counselor license by the board.
4. "Licensed associate professional counselor" means a person who has been granted an associate license by the board to offer and conduct counseling under the supervision of a licensed professional counselor or such other person meeting the requirements of supervising professional set by the board.
5. "Licensed professional counselor" means a person who is trained in counseling, guidance, or human services and has been granted a professional counselor license by the board."

Page 1, line 11, replace "diagnosis" with "assessment"

Page 1, line 22, replace "psychotherapy" with "treatment"

Page 2, line 6, after "associate" insert "professional"

Page 2, line 8, after "associate" insert "professional"

Page 4, line 15, after "counseling" insert "and a code of ethics for the practice of clinical mental health counseling"

Page 4, after line 15, insert:

**"SECTION 5. AMENDMENT.** Section 43-47-04 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**43-47-04. Representation to the public.** Only persons a person licensed under this chapter may use the title "licensed professional counselor" or the initials "L.P.C." after the person's name, or the title "licensed associate professional counselor" or the initials "L.A.P.C." after the person's name. The license issued by the board must be prominently displayed at the principal place of business of the counselor."

Page 4, line 22, after "associate" insert "professional"

Page 4, line 23, replace ""L.A.C."" with ""L.A.P.C.""

Page 4, after line 24, insert:

**"SECTION 7. AMENDMENT.** Section 43-47-05 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**43-47-05. Counseling practice - Exceptions.**

1. This chapter does not prevent any person licensed by the state from doing work within the standards and ethics of that person's profession, if that person does not represent to the public that the person is a professional counselor or associate professional counselor.
2. This chapter does not apply to the activities, services, or use of an official title on the part of a person employed as a counselor by any federal, state, or local political subdivision or by a private or public educational

institution, if the person is performing counseling within the scope of employment.

3. This chapter does not prevent students or trainees who are enrolled in programs leading to counseling degrees from interning within the limitations set by the rules adopted by the board under chapter 28-32.
4. This chapter does not prevent a licensed attorney from providing services within the scope of the practice of law.
5. This chapter does not prevent a member of the clergy of any religious denomination from providing services within the scope of ministerial duties.
6. This chapter does not prevent the employment of, or volunteering by, individuals in nonprofit agencies or community organizations if these persons do not hold themselves out to the public as professional counselors or associate professional counselors."

Page 5, line 5, after "associate" insert "professional"

Page 5, line 23, after "associate" insert "professional"

Page 5, after line 24, insert:

"SECTION 9. AMENDMENT. Section 43-47-06 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**43-47-06. Licenses - Qualifications - Reciprocity.**

1. Except as otherwise provided in this chapter, no person may engage in counseling in this state unless that person is a licensed professional counselor or licensed associate professional counselor.
2. The board shall issue a license as a licensed professional counselor to each applicant who files an application upon a form and in a manner the board prescribes, accompanied by the required fee, and who furnishes evidence to the board that the applicant:
  - a. Has received a master's degree from an accredited school or college in counseling or other program that meets the academic and training standards adopted by the board;
  - b. Has provided personal and professional recommendations that meet the requirements adopted by the board and has satisfied the board that the applicant will adhere to the highest standards of the profession of counseling;
  - c. Has two years of supervised experience under a licensed professional counselor, or its equivalent as determined by the board;
  - d. Has provided a statement of professional intent to practice in this state describing the applicant's proposed use of the license, the intended client population, and the counseling procedures, as defined by the board, the applicant intends to use in serving the client population; and

- e. Has demonstrated knowledge in the field of counseling by successful completion of an examination prescribed by the board.
3. The board shall issue a license as a licensed associate professional counselor to each applicant who files an application upon a form and in a manner the board prescribes, accompanied by the required fee, and who furnishes sufficient evidence to the board that the applicant:
  - a. Has received a master's degree from an accredited school or college in counseling or other program that meets the academic and training standards adopted by the board;
  - b. Has provided personal and professional recommendations that meet the requirements adopted by the board and has satisfied the board that the applicant will adhere to the standards of the profession of counseling; and
  - c. Has provided a written plan for supervised experience which meets the requirements adopted by the board.
4. The board may waive the formal examination requirements for a professional counselor license when the applicant has been licensed or certified to practice counseling in another state under standards and qualifications similar or greater to those set by the board.
5. A professional counselor shall renew the license every two years. The board shall renew a license upon payment of a fee set by the board and upon demonstration by the licenseholder of completion of continuing education requirements set by the board.
6. An associate professional counselor initially licensed under this chapter may be licensed for no more than two years. The associate professional counselor's license may be extended beyond two years only upon recommendation of the associate professional counselor's supervisor and three other counselors, at least one of whom must be a professor from the associate professional counselor's training program.
- ~~7. For a period of two years beginning on July 6, 1989, the board shall issue upon the application of any person a license as a licensed professional counselor if the applicant:~~
  - ~~a. Has received a master's degree that is primarily counseling in content from a regionally accredited institution of higher education;~~
  - ~~b. Has worked for pay in the counseling field, including counselor education during two of the previous five years;~~
  - ~~c. Shows evidence of supervision or continued professional growth; and~~
  - ~~d. Successfully completes an examination approved by the board."~~

Page 6, line 2, after "associate" insert "professional"

Page 7, after line 5, insert:

"g. Has provided a statement of adherence to the code of ethics for clinical mental health counselors as established by the academy of clinical mental health counselors."

Page 8, line 1, after "associate" insert "professional"

Page 8, line 18, remove "than" and overstrike "to" and insert immediately thereafter "than"

Page 8, line 25, after "associate" insert "professional"

Page 8, line 26, after "associate" insert "professional"

Page 8, line 28, after "associate" insert "professional"

Page 9, line 1, after "associate" insert "professional"

Page 10, after line 2, insert:

"SECTION 11. EFFECTIVE DATE. Sections 2, 3, 4, 6, 8, and 10 of this Act become effective on August 1, 1995."

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

SB 2530: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2530 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2531: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2531 was placed on the Sixth order on the calendar.

Page 1, line 19, replace "an adopted" with "a" and replace "placed with" with "to be adopted by"

Page 1, line 20, after "parent" insert an underscored comma and after "14-15.1-01" insert ", when the adoption is pursuant to a prebirth agreement. Benefits from birth to the date of placement for a child to be adopted by an identified adoptive parent, however, may not be paid until the identified adoptive parent takes custody of the child"

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

SB 2535: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2535 was placed on the Sixth order on the calendar.

Page 2, line 19, after the underscored period insert "This subsection does not apply to an individual whose child support is required to be assigned by federal law due to the receipt of public assistance."

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

SCR 4027: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4027 was placed on the Tenth order on the calendar.

## REPORT OF STANDING COMMITTEE

**SCR 4043:** Judiciary Committee (Sen. Maxson, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4043 was placed on the Tenth order on the calendar.

## FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Heinrich and Rep. Gates introduced:

**SCR 4046:** A concurrent resolution directing the Legislative Council to study geographical boundaries defining educational service areas.

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

## FIRST READING OF HOUSE BILLS

**HB 1163:** A BILL for an Act to amend and reenact section 65-02-08 of the North Dakota Century Code, relating to workers compensation bureau rulemaking power and payment of attorneys' fees; and to provide an effective date.

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

**HB 1203:** A BILL for an Act to create and enact a new section to chapter 4-24 of the North Dakota Century Code, relating to reports by agricultural commodity groups to the legislative assembly; to amend and reenact sections 4-10.1-09, 4-10.2-08, 4-10.3-08, 4-10.6-10, 4-12.1-03, 4-13.1-05, 4-18.1-12, 4-24-09, and 4-28-08 of the North Dakota Century Code, relating to continuing appropriations for the North Dakota potato council, the North Dakota oilseed council, the North Dakota edible bean council, the North Dakota corn utilization council, the North Dakota beekeepers association, the North Dakota turkey federation, the North Dakota milk stabilization board, and the North Dakota state wheat commission; and to provide continuing appropriations.

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

**HB 1222:** A BILL for an Act to create a North Dakota workers' compensation insurance company; to amend and reenact section 54-17-07 of the North Dakota Century Code, relating to the duties of the industrial commission; and to provide an effective date.

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

**HB 1224:** A BILL for an Act to amend and reenact sections 65-02-15, 65-02-17, and 65-02-18 of the North Dakota Century Code, relating to arbitration on workers' compensation claims; to repeal section 65-02-16 of the North Dakota Century Code, relating to removal of a binding arbitration panel member; and to provide an effective date.

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

**HB 1229:** A BILL for an Act to amend and reenact section 23-06-03.1 of the North Dakota Century Code, relating to the deposit or transfer of payments made on pre-need funeral contracts.

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

**HB 1262:** A BILL for an Act to amend and reenact subsection 29 of section 65-01-02 of the North Dakota Century Code, relating to the definition of wages for workers' compensation purposes.

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

**HB 1271:** A BILL for an Act to amend and reenact section 38-14.1-37 of the North Dakota Century Code, relating to the expansion of the small operators assistance program to cover the cost of surface mining permit applications; and to declare an emergency.

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

**HB 1276:** A BILL for an Act to create and enact a new section to chapter 25-16 of the North Dakota Century Code, relating to residential care and services for the developmentally disabled.

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

**HB 1278:** A BILL for an Act to amend and reenact subsection 4 of section 65-08-01 of the North Dakota Century Code, relating to payment of workers' compensation benefits in another state.

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

**HB 1315:** A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for leasehold or possessory interests in property owned by the department of housing and urban development, farmers home administration, or the veterans administration and leased to a nonprofit corporation for use by the homeless; and to provide an effective date.

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

**HB 1319:** A BILL for an Act to repeal sections 15-36-10, 15-38-05, and 15-47-02 of the North Dakota Century Code, relating to the recording of teacher certificates in the office of the county superintendents of schools, the annual observance of Temperance Day by the public schools, and state institutions of higher education constituting part of the state's free public school system.

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

**HB 1324:** A BILL for an Act to amend and reenact subsection 3 of section 39-06.1-10, subsection 1 of section 39-06.1-13, and section 39-10-71 of the North Dakota Century Code, relating to points assigned against a driving record and the penalty for fleeing or attempting to elude a peace officer.

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

**HB 1331:** A BILL for an Act to create and enact two new sections to chapter 43-17, two new subsections to section 43-17-30.1, seven new subsections to section 43-17-31, and a new section to chapter 43-17.1 of the North Dakota Century Code, relating to the board of medical examiners, state defense of board members, disciplinary action against physicians, and complaints to the commission on medical competency; and to amend and reenact sections 43-17-03, 43-17-32.1, and 43-17.1-06 of the North Dakota Century Code, relating to the board of medical examiners, the suspension of a physician's license, and the commission on medical competency.

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

**HB 1340:** A BILL for an Act to require the department of human services to consider seeking federal waivers to allow the department to contract for certain services.

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

**HB 1357:** A BILL for an Act to amend and reenact section 26.1-25-04.1 of the North Dakota Century Code, relating to the discounts from certain motor vehicle insurance premiums.

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

**HB 1363:** A BILL for an Act to amend and reenact subsections 1 and 3 of section 6-08-16 of the North Dakota Century Code, relating to postdated checks.

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

**HB 1367:** A BILL for an Act to create and enact a new section to chapter 65-04 of the North Dakota Century Code, relating to a workers' compensation premium for a risk management program; and to declare an emergency.

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

**HB 1375:** A BILL for an Act to amend and reenact section 51-14-03 of the North Dakota Century Code, relating to the limitation on credit service charges.

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

**HB 1377:** A BILL for an Act to limit a lender's liability to third parties for environmental damage.

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

**HB 1380:** A BILL for an Act to amend and reenact subsection 1 of section 57-55-10 of the North Dakota Century Code, relating to exemption from mobile home taxation for a permanently and totally disabled person.

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

**HB 1388:** A BILL for an Act to amend and reenact section 5-02-05 of the North Dakota Century Code, relating to the dispensing of alcoholic beverages on certain days.

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

**HB 1408:** A BILL for an Act to amend and reenact section 44-08-04 of the North Dakota Century Code, relating to reconciliation of state law to federal laws regarding out-of-state meal reimbursement.

Was read the first time and referred to the **Government and Veterans Affairs Committee.**

**HB 1409:** A BILL for an Act to repeal section 54-06-10 of the North Dakota Century Code, relating to authorization for out-of-state travel for state officials and employees.

Was read the first time and referred to the **Government and Veterans Affairs Committee.**

**HB 1445:** A BILL for an Act to amend and reenact section 23-29-07 of the North Dakota Century Code, relating to solid waste management facility permit conditions.

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

**HB 1472:** A BILL for an Act to create and enact section 47-25-06.1 of the North Dakota Century Code, relating to the change of name or address of a trade name registrant; and to amend and reenact sections 47-25-02, 47-25-04, and 47-25-07 of the North Dakota Century Code, relating to trade name requirements.

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

**HB 1508:** A BILL for an Act to create and enact sections 10-15-12.1 and 10-15-52.6 to the North Dakota Century Code, relating to change of a cooperative's registered office or registered agent; to amend and reenact sections 10-15-13, 10-15-36, 10-15-38, 10-15-46, 10-15-51, 10-15-52.1 of the North Dakota Century Code, relating to cooperative requirements; and to repeal section 10-15-52.2 of the North Dakota Century Code, relating to amendment to articles of association of association of foreign cooperatives.

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

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

**HCR 3008:** A concurrent resolution directing the Legislative Council to study the problems associated with solid waste management and the operation and effect of solid waste management districts and solid waste management plans.

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

**HCR 3021:** A concurrent resolution urging the Division of Emergency Management to study the feasibility and desirability of combining local emergency management organizations and plans into a regional system of emergency management organizations.

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

**HCR 3023:** A concurrent resolution directing the Legislative Council to study railroad crossing safety to improve railroad crossing safety.

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

**HCR 3024:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of making the North Dakota Century Code, the North Dakota Administrative Code, the North Dakota Session Laws, and other legislative publications available in mediums other than published volumes, including CD-ROM and diskettes.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HCR 3025:** A concurrent resolution urging Congress to replace Four Bears Bridge on the Fort Berthold Indian Reservation and to build two bridges to connect the Fort Berthold communities of Twin Buttes, White Shield, and Mandaree, North Dakota.

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

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

**CAROL SIEGERT, Secretary**