

## JOURNAL OF THE SENATE

## Fifty-fourth Legislative Assembly

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Bismarck, February 7, 1995

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

The prayer was offered by Rev. Clyde Leimberer, Chaplain, Baptist Home, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

**MADAM PRESIDENT:** Your Committee on Correction and Revision of the Journal (Sen. Sand, Chairman) has carefully examined the Journal of the Twenty-third Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 297, line 18, remove "HB 1482"

Page 313, remove lines 2 through 4

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

## MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2193.

## MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2232, SB 2284, SB 2286, SB 2290, SB 2314, SB 2418, SB 2426, SB 2474.

## CONSIDERATION OF AMENDMENTS

**SB 2075: SEN. TOMAC (Agriculture Committee) MOVED** that the amendments on SJ page 340 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS -

**SB 2080: SEN. W. STENEHJEM (Judiciary Committee) MOVED** that the amendments on SJ pages 340-342 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2334: SEN. TRAYNOR (Judiciary Committee) MOVED** that the amendments on SJ page 342 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2335: SEN. MATHERN (Human Services Committee) MOVED** that the amendments on SJ pages 342-343 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2057:** A BILL for an Act to amend and reenact section 15-40.1-06 of the North Dakota Century Code, relating to per student payments and the school district equalization factor; and to provide an appropriation.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 16 YEAS, 33 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; LaFountain; Langley; Lindaas; Lips; Mushik; Nelson, C.; O'Connell; Redlin; Tallackson; Wogsland; Yockim

**NAYS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krauter; Krebsbach; Kringstad; Lee; Mathern; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

Engrossed SB 2057 lost.

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**SECOND READING OF SENATE BILL**

**SB 2059:** A BILL for an Act to amend and reenact sections 15-27.3-10, 15-27.3-19, 15-27.3-20, 15-40.1-16, and 15-40.1-18 of the North Dakota Century Code, relating to the school district transportation services and changes in school district reorganization proposals.

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

**YEAS:** Andrist; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Bowman; Christmann; Tomac

Engrossed SB 2059 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2139:** A BILL for an Act to repeal chapter 54-34.2 of the North Dakota Century Code, relating to the Gordon Aamoth Indian development fund.

**ROLL CALL**

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

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Tennefos

Engrossed SB 2139 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2234:** A BILL for an Act to amend and reenact subsection 2 of section 11-13-12 of the North Dakota Century Code, relating to the county auditor's statement regarding taxes and special assessments on deeds and other instruments.

**ROLL CALL**

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

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed SB 2234 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2360:** A BILL for an Act to create a new section to chapter 26.1-07 of the North Dakota Century Code, relating to hearing on petition and duties of the insurance commissioner; to amend and reenact sections 26.1-07-01, 26.1-07-02, and 26.1-07-04 of the North Dakota Century Code, relating to consolidation or reinsurance of domestic insurance companies; and to repeal section 26.1-07-05 of the North Dakota Century Code, relating to hearings on petition and duties of the insurance commissioner.

**ROLL CALL**

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

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed SB 2360 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2219:** A BILL for an Act to amend and reenact subsection 1 of section 4-13.2-03, sections 4-13.2-04, 4-30-21, subsection 43 of section 20.1-01-02, sections 36-01-00.1, 36-01-01, 36-01-02, 36-01-03, 36-01-04, 36-01-05, 36-01-06, 36-01-07, 36-01-08, 36-01-08.1, 36-01-10, 36-01-12, 36-01-12.1, 36-01-13, 36-01-14, 36-01-15, 36-01-16, 36-01-17, 36-01-18, 36-01-19, 36-01-28, 36-01-29, 36-01-30, 36-05-03, 36-05-07, 36-05-09, 36-05-10, 36-05-11, 36-05-11.1, 36-05-13, 36-05.1-05, 36-07-01, 36-07-02, 36-07-03, subsection 4 of section 36-07-07, sections 36-07-09, 36-07-10, 36-07-11, 36-09-13, 36-09-14, 36-14-01, 36-14-03, 36-14-05, 36-14-06, 36-14-07, 36-14-09, 36-14-10, 36-14-11, 36-14-12, 36-14-13, 36-14-15, subsection 1 of section 36-14-19, sections 36-14-21, 36-14.1-01, 36-14.1-02, 36-14.1-03, 36-14.1-04,

36-14.1-05, subsection 2 of section 36-14.1-06, sections 36-14.1-07, 36-15-01, 36-15-02, 36-15-03, 36-15-04, 36-15-06, 36-15-07, 36-15-08, 36-15-08.1, 36-15-09, subsection 7 of section 36-15-11, sections 36-15-14, 36-15-19, 36-15-21, 36-15-22, 36-21.1-01, 36-21.1-06, 36-21.1-11, 36-21.1-12, 36-22-03, 49-18-31, and subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to moving the responsibility for animal health from the board of animal health to the commissioner of agriculture, replacing the board of animal health with an animal health advisory board, requiring the commissioner of agriculture to appoint the state veterinarian, substituting the commissioner of agriculture for the board of animal health; to repeal section 36-01-11 of the North Dakota Century Code, relating to reports by the board of animal health to the office of management and budget and the governor; to provide an effective date; and to declare an emergency.

#### ROLL CALL

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

**NAYS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2219 lost.

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#### SECOND READING OF SENATE BILL

**SB 2310:** A BILL for an Act to repeal chapter 54-56 of the North Dakota Century Code, relating to the children's services coordinating committee.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 39 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Christmann; Kinnoin; Mutch; Naaden; Nelson, G.; Solberg; Stenehjem, B.; Streibel; Tennefos

**NAYS:** Andrist; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Nalewaja; Nelson, C.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2310 lost.

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#### SECOND READING OF SENATE BILL

**SB 2311:** A BILL for an Act to prohibit members of the executive or judicial branch from introducing or sponsoring, or requesting procedural or standing committees to introduce, bills into the legislative assembly.

#### 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 16 YEAS, 33 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Freborg; Grindberg; Kinnoin; Mutch; Naaden; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Streibel; Tennefos; Urlacher; Wanzek

**NAYS:** DeMers; Goetz; Heinrich; Heitkamp; Holmberg; Kelsh; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Watne; Wogsland; Yockim

SB 2311 lost.

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#### SECOND READING OF SENATE BILL

**SB 2319:** A BILL for an Act to create and enact two new sections to chapter 15-39.1 and a new subsection to section 21-10-06 of the North Dakota Century Code, relating to retiree health benefits for teachers; to amend and reenact sections 15-39.1-23, 15-39.1-28, 15-39.1-29, 15-39.1-30, and subdivision b of subsection 1 of section 57-15-14.2 of the North Dakota Century Code, relating to retiree health benefits for teachers; to provide an appropriation; and to provide for application of this Act.

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

**YEAS:** Andrist; DeMers; Heinrich; Kelsh; Kinnoin; Kringstad; LaFountain; Lindaas; Lips; Mathern; Mushik; Nalewaja; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tallackson; Thane; Wogsland; Yockim

**NAYS:** Bowman; Christmann; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Krauter; Krebsbach; Langley; Lee; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Tomac; Traynor; Urlacher; Wanzek; Watne

SB 2319 lost.

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#### SECOND READING OF SENATE BILL

**SB 2331:** A BILL for an Act to create and enact a new section to chapter 39-08 of the North Dakota Century Code, relating to the penalty for driving while under the influence of alcohol while being accompanied by a minor.

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

**YEAS:** Andrist; Bowman; Christmann; DeMers; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kinnoin; Krauter; Krebsbach; LaFountain; Langley; Lee; Lindaas; Mathern; Mushik; Naaden; Nelson, C.; O'Connell; Redlin; Robinson; Sand; Scherber; St. Aubyn; Stenehjem, W.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Freborg; Kelsh; Kringstad; Lips; Mutch; Nalewaja; Nelson, G.; Nething; Schobinger; Solberg; Stenehjem, B.; Tennefos

SB 2331 passed and the title was agreed to.

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**THE SENATE RECOGNIZED THE PRESENCE OF:**

Former Senator Dale Marks.

**SECOND READING OF SENATE BILL**

**SB 2343:** A BILL for an Act to create and enact three new subsections to section 1-01-49 of the North Dakota Century Code, relating to the definition of individual, organization, and person; to amend and reenact sections 5-01-01, 5-02-02, 10-19.1-01, subsections 4 and 5 of section 10-19.1-10, subdivision b of subsection 1 of section 10-19.1-13, subsection 3 of section 10-19.1-16, sections 10-19.1-18, 10-19.1-19, subsection 6 of section 10-19.1-20, subsection 12 of section 10-19.1-26, subsection 2 of section 10-19.1-30, subsection 3 of section 10-19.1-43, sections 10-19.1-44, 10-19.1-46, subsection 2 of section 10-19.1-51, section 10-19.1-53, subsection 3 of section 10-19.1-61, sections 10-19.1-61.1, 10-19.1-62, subsections 4 and 9 of section 10-19.1-65, subsection 2 of section 10-19.1-68, section 10-19.1-73, subsection 3 of section 10-19.1-73.1, subsection 2 of section 10-19.1-74, subsections 2 and 3 of section 10-19.1-79, subsection 1 of section 10-19.1-80, subsection 4 of section 10-19.1-84, section 10-19.1-85, subsections 1 and 3 of section 10-19.1-87, subsections 5 and 10 of section 10-19.1-88, subsection 1 of section 10-19.1-89, subsections 1 and 7 of section 10-19.1-91, subsections 1 and 4 of section 10-19.1-92, subsection 1 of section 10-19.1-93, subsection 1 of section 10-19.1-95, subsections 3 and 4 of section 10-19.1-98, subsection 6 of section 10-19.1-100, subsection 1 of section 10-19.1-104, sections 10-19.1-106, 10-19.1-109, subsection 1 of section 10-19.1-110, sections 10-19.1-115, 10-19.1-129, 10-23-01, 10-32-02, subsections 1 and 2 of section 10-32-07, subdivision b of subsection 1 of section 10-32-10, subsections 5, 7, 12, 14, and 21 of section 10-32-23, sections 10-32-28, 10-32-30, 10-32-31, 10-32-32, 10-32-33, subsection 2 of section 10-32-35, subdivision d of subsection 1 of section 10-32-50, subdivision b of subsection 1 of section 10-32-51, subsection 4 of section 10-32-64, sections 10-32-88 and 10-32-89, subsection 1 of section 10-32-97, section 10-32-98, subsection 1 of section 10-32-99, subsections 1 and 3 of section 10-32-108, section 10-32-109, subsection 1 of section 10-32-112, subsection 1 of section 10-32-114, sections 10-32-131, 10-32-136, subsection 1 of section 10-32-138, sections 10-32-140, 10-32-143, subsection 2 of section 10-32-144, subsections 1, 2, and 3 of section 10-32-149, subsection 3 of section 40-57.1-04.4, sections 57-38-60.2, 57-39.2-18.1, 57-43.1-17.3, and 57-43.2-16.2 of the North Dakota Century Code, relating to retail licensing qualifications for corporations, limited liability companies, limited partnerships, and general partnerships, the Business Corporation Act, limited liability companies, and the responsibility of a limited liability company or its officers, governors, or managers to file required tax returns or pay the tax due; and to repeal section 1-01-28 of the North Dakota Century Code, relating to the definition of person.

**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, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn;

Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: O'Connell

SB 2343 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

SB 2345: 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.

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

YEAS: Solberg; Tomac; Watne

NAYS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Wogsland; Yockim

SB 2345 lost.

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**SECOND READING OF SENATE BILL**

SB 2367: 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 college or university cooperative education or internship programs; 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 1 YEA, 48 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Heitkamp

NAYS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2367 lost.

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**SECOND READING OF SENATE BILL**

SB 2375: A BILL for an Act to amend and reenact subsection 4 of section 20.1-03-11 of the North Dakota Century Code, relating to issuance of deer licenses to nonresidents.

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

YEAS: Kelsh; Kinnoin

NAYS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2375 lost.

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#### SECOND READING OF SENATE BILL

SB 2377: A BILL for an Act to create and enact a new section to chapter 65-02 of the North Dakota Century Code, relating to the establishment of a workers' compensation adviser program; to provide an effective date; and to provide an expiration 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2377 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

SB 2385: A BILL for an Act to establish a noxious weed educational fund; to repeal section 57-36-25.1 of the North Dakota Century Code, relating to administrative expenses for licensed cigarette distributors; and to provide an appropriation for noxious weed control and integrated pest management educational programs.

#### 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 5 YEAS, 44 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Kelsh; Langley; Mathern; O'Connell; Wogsland

NAYS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Yockim

SB 2385 lost.

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SECOND READING OF SENATE BILL

SB 2401: A BILL for an Act to amend and reenact subsection 1 of section 14-09-09.7 of the North Dakota Century Code, relating to requirements of the child support guidelines.

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

YEAS: Bowman; Christmann; Freborg; Kinnoin; Krauter; Langley; Lindaas; Naaden; Nelson, G.; O'Connell; Solberg; Stenehjem, B.; Streibel; Tallackson; Thane; Tomac; Urlacher; Wanzek; Wogsland; Yockim

NAYS: Andrist; DeMers; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Krebsbach; Kringstad; LaFountain; Lee; Lips; Mathern; Mushik; Mutch; Nalewaja; Nelson, C.; Nething; Redlin; Robinson; Sand; Scherber; Schobinger; St. Aubyn; Stenehjem, W.; Tennefos; Traynor; Watne

SB 2401 lost.

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SECOND READING OF SENATE BILL

SB 2412: A BILL for an Act to amend and reenact subsection 2 of section 16.1-04-01, subsection 1 of section 16.1-04-02, sections 40-21-03.1, and 40-21-09 of the North Dakota Century Code, relating to designation of precincts and polling places.

ROLL CALL

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

NAYS: Andrist; Bowman; Christmann; DeMers; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Freborg

SB 2412 lost.

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SECOND READING OF SENATE BILL

SB 2424: A BILL for an Act to create and enact a new section to chapter 15-40.3 of the North Dakota Century Code, relating to local support for students participating in open enrollment.

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 7 YEAS, 42 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Mutch; Nalewaja; Scherber; Solberg; Streibel; Tennefos; Wanzek

NAYS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson;

Sand; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Watne; Wogsland; Yockim

SB 2424 lost.

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#### SECOND READING OF SENATE BILL

**SB 2435:** A BILL for an Act to provide for supplemental needs trusts for persons with disabilities, and to otherwise limit the disposition of trust assets or income when a beneficiary becomes eligible for public assistance; and to provide for application of this Act.

#### 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2435 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2436:** A BILL for an Act to create and enact a new subdivision to subsection 3 of section 57-38-30.3 and a new subdivision to subsection 4 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax deduction for premiums paid for long-term care insurance coverage; 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 22 YEAS, 27 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** DeMers; Heinrich; Heitkamp; Kelsh; Krauter; LaFountain; Langley; Lindaas; Mathern; Mushik; Nalewaja; Nelson, C.; O'Connell; Redlin; Robinson; Sand; Scherber; Tallackson; Thane; Tomac; Wogsland; Yockim

**NAYS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nelson, G.; Nething; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Traynor; Urlacher; Wanzek; Watne

SB 2436 lost.

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#### MOTION

**SEN. O'CONNELL** MOVED that SB 2282 be returned to the Senate floor from the Transportation Committee for the purpose of withdrawal, which motion prevailed.

#### REQUEST

**SEN. O'CONNELL** REQUESTED the unanimous consent of the Senate to withdraw SB 2282. There being no objection, it was so ordered by the President.

**MOTION**

SEN. TRAYNOR MOVED that SB 2306, which is on the Eleventh order, be rereferred to the **Natural Resources Committee**, which motion prevailed. Pursuant to Sen. Traynor's motion, SB 2306 was rereferred.

**MOTION**

SEN. GOETZ 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 2440: A BILL for an Act to create and enact a new section to chapter 57-40.3 of the North Dakota Century Code, relating to a motor vehicle excise tax credit at the time of termination of a motor vehicle lease and return of the vehicle to the lessor; 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, 47 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Goetz; Kinnoin

NAYS: Andrist; Bowman; Christmann; DeMers; Freborg; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2440 lost.

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**SECOND READING OF SENATE BILL**

SB 2454: A BILL for an Act to prohibit female genital mutilation; and to provide a penalty.

**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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2454 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

SB 2479: A BILL for an Act to create and enact a new section to chapter 6-08 of the North Dakota Century Code, relating to the consolidation of offenses for dishonored checks.

## 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2479 passed and the title was agreed to.

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## SECOND READING OF SENATE BILL

SB 2480: A BILL for an Act to amend and reenact subsection 2 of section 26.1-36-08 and paragraph 3 of subdivision e of subsection 2 of section 26.1-36-09 of the North Dakota Century Code, relating to copayments for treatment of substance abuse outside a preferred provider network.

## 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2480 passed and the title was agreed to.

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## SECOND READING OF SENATE BILL

SB 2501: A BILL for an Act to create and enact a new subsection to section 65-05-28 of the North Dakota Century Code, relating to aggravation of a work-related injury for purposes of determining workers' compensation benefits.

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

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Yockim

NAYS: DeMers; Heinrich; Mushik; Nelson, C.; O'Connell; Wogsland

SB 2501 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2503:** A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to restrictions on the advertising and promoting of games of chance by radio, television, newspaper, or any other publication; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 13 YEAS, 36 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Christmann; Holmberg; Kringstad; Mutch; Nalewaja; Nething; Redlin; Sand; Solberg; Streibel; Tennefos; Yockim

**NAYS:** Andrist; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; Krebsbach; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Naaden; Nelson, C.; Nelson, G.; O'Connell; Robinson; Scherber; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

SB 2503 lost.

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**SECOND READING OF SENATE BILL**

**SB 2516:** A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code, relating to possession of a firearm at a public gathering.

**ROLL CALL**

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

**NAYS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2516 lost.

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**SECOND READING OF SENATE BILL**

**SB 2518:** 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 the tax commissioner's power to publish names of taxpayers who have not presented for payment state warrants issued for tax refunds.

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

**YEAS:** Andrist; Bowman; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Scherber; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Watne; Wogsland; Yockim

**NAYS:** Christmann; Sand; Solberg; Wanzek

SB 2518 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2521:** A BILL for an Act to provide for landowner immunity from liability for injuries incurred while using a road located on the landowner's property; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2521 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2523:** A BILL for an Act to amend and reenact subsection 5 of section 25-03.1-43 of the North Dakota Century Code, relating to the confidentiality of records of treatment facility patients.

**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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2523 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2530:** A BILL for an Act to amend and reenact section 39-24-03 of the North Dakota Century Code, relating to the registration of snowmobiles.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 6 YEAS, 43 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** DeMers; Heitkamp; Sand; Thane; Watne; Wogsland

**NAYS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heinrich; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja;

Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Tomac; Traynor; Urlacher; Wanzek; Yockim

SB 2530 lost.

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#### MOTION

SEN. MUTCH MOVED that SB 2532, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4022: A concurrent resolution urging Congress to enact legislation allowing an income tax deduction or credit for health insurance premiums.

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

SCR 4022 was declared adopted on a voice vote, and the title was agreed to.

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#### SECOND READING OF SENATE BILL

SB 2210: A BILL for an Act to create and enact a new section to chapter 15-21 of the North Dakota Century Code, relating to leasing of real property by the superintendent of public instruction; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2210 passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

SB 2302: A BILL for an Act to amend and reenact section 57-15-59 of the North Dakota Century Code, relating to counties' and cities' authority to enter leases for court facilities.

#### 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 34 YEAS, 15 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Nalewaja; Nelson, C.; Redlin; Robinson; Scherber; Schobinger; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Bowman; Christmann; Freborg; Heinrich; Krauter; Mutch; Naaden; Nelson, G.; Nething; O'Connell; Sand; Solberg; Stenehjem, B.; Streibel; Tennefos

SB 2302 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2342:** A BILL for an Act to amend and reenact sections 6-03-02 and 6-05.1-03 of the North Dakota Century Code, relating to conflict of interest for banks acting as fiduciaries in investment in securities.

#### 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2342 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2354:** A BILL for an Act to amend and reenact section 16.1-08.1-03.1 of the North Dakota Century Code, relating to campaign contribution statements filed by persons promoting passage or defeat of initiated or referred measures.

#### 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2354 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2362:** A BILL for an Act to amend and reenact section 14-02.4-21 of the North Dakota Century Code, relating to mediation of discrimination complaints by the department of labor.

#### 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; Christmann; Freborg; Goetz; Grindberg; Heinrich; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; Langley; Lee;

Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Watne

**NAYS:** DeMers; Heitkamp; Kelsh; LaFountain; Mushik; O'Connell; Redlin; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Wanzek

SB 2362 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2400:** A BILL for an Act to amend and reenact sections 4-01-21, 15-21-02, 26.1-01-09, 34-05-01.2, 49-01-05, 54-09-05, 54-10-10, 54-11-13, 54-12-11, and 57-01-04 of the North Dakota Century Code, relating to the salaries of state elected officials; 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 1 YEA, 47 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Yockim

**NAYS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wanzek; Watne; Wogsland

**ABSENT AND NOT VOTING:** Traynor

SB 2400 lost.

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#### SECOND READING OF SENATE BILL

**SB 2407:** A BILL for an Act to amend and reenact section 15-05-10, subsections 4 and 5 of section 38-08-04, sections 61-24.3-18, and 61-24.4-09 of the North Dakota Century Code, relating to imposition of the oil extraction tax; and to repeal chapter 57-51.1 of the North Dakota Century Code, relating to the oil extraction tax.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 6 YEAS, 41 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Kinnoin; Krauter; O'Connell; Yockim

**NAYS:** Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mushik; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

**ABSENT AND NOT VOTING:** Langley; Mutch

SB 2407 lost.

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**SECOND READING OF SENATE BILL**

**SB 2447:** A BILL for an Act to amend and reenact sections 45-11-02 and 45-11-04.1 of the North Dakota Century Code, relating to the content and renewal of fictitious name certificates filed with the secretary of state.

**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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2447 passed and the title was agreed to.

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**MOTION**

**SEN. GOETZ MOVED** that the Senate be on the Fifth and Ninth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, February 8, 1995, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2001:** Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2001 was placed on the Sixth order on the calendar.

Page 2, line 6, overstrike "eight" and insert immediately thereafter "six" and replace "fifty-four" with "fifty"

Page 2, line 7, overstrike "two hundred"

Page 2, line 8, replace "fifty-one" with "forty-two"

Reumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 101 - GOVERNOR'S OFFICE

SENATE - This amendment corrects the amendment to the statutory reference to the Governor's salary in North Dakota Century Code Section 54-07-04 as follows:

	AMOUNT INCLUDED IN SECTION 3	AMENDMENT CHANGE
First-year salary	\$69,854	\$69,650
Second-year salary	71,251	71,042

The amendment provides for a two percent annual increase in the Governor's statutory salary. This is consistent with the funding included in Senate Bill No. 2001.

## REPORT OF STANDING COMMITTEE

SB 2002: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2002 was placed on the Sixth order on the calendar.

Page 1, line 2, after "state" insert "and public printing"

Page 1, line 9, after "state" insert "and public printing"

Page 1, after line 10, insert:

"Subdivision 1.

## SECRETARY OF STATE"

Page 1, line 14, replace "14,000" with "14,000"

Page 1, remove line 15

Page 1, line 16, replace "3,244,593" with "2,822,619"

Page 1, after line 16, insert:

"Subdivision 2.

## SECRETARY OF STATE - PUBLIC PRINTING

Operating expenses	\$ 421,974
Total general fund appropriation	\$ 421,974
Grand total general fund appropriation S.B. 2002	\$3,244,593"

Re-number accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 108 - SECRETARY OF STATE

SENATE - This amendment appropriates funding for public printing as a separate subdivision rather than as a special line item in the Secretary of State's appropriation.

## REPORT OF STANDING COMMITTEE

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

## REPORT OF STANDING COMMITTEE

SB 2031: Agriculture Committee (Sen. Bowman, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (3 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2031 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "\$50,000" with "\$15,000"

Page 1, remove lines 17 through 22

Page 2, line 7, replace "260,000" with "60,000"

Page 2, line 9, replace "of sites" with ", collection and distribution, and weed officer training" and replace "30,000" with "15,000"

Page 2, remove lines 10 and 11

Page 2, line 12, replace "310,000" with "75,000"

Re-number accordingly

## REPORT OF STANDING COMMITTEE

SB 2038: Human Services Committee (Sen. Thane, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2038 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "and a new section to chapter 50-25.1"

Page 1, line 7, replace "sections" with "section" and remove ", 50-25.1-06,"

Page 1, line 9, remove ", restraining orders,"

Page 1, line 10, remove "and" and after "penalty" insert "; and to provide an appropriation"

Page 2, line 21, remove "- Appointment" and remove "The juvenile court shall"

Page 2, remove lines 22 through 26

Page 2, line 27, remove "guardian ad litem assignment, and operating procedures."

Page 3, remove lines 15 through 27

Page 4, replace lines 4 through 12 with:

"SECTION 8. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$410,000, or so much of the sum as may be necessary, to the department of health and consolidated laboratories for the purpose of administering programs providing community visitation centers and domestic violence support services for the biennium beginning July 1, 1995, and ending June 30, 1997."

Renumber accordingly

## REPORT OF STANDING COMMITTEE

SB 2041: Human Services Committee (Sen. Thane, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2041 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and a new subsection to section 54-44.1-06"

Page 1, line 4, remove "and the duty of the director of the budget to identify"

Page 1, line 5, remove "statutory and budgetary initiatives affecting children and families" and after the semicolon insert "and"

Page 1, line 8, remove "; and to provide for an appropriation"

Page 1, remove lines 16 through 21

Page 2, remove lines 12 through 28

Page 3, remove lines 1 through 28

Page 4, line 10, overstrike "Charter public corporations" and insert immediately thereafter "Authorize regional and tribal committees" and remove "- Duties"

Page 4, line 11, overstrike "charter public corporations" and insert immediately thereafter "authorize" and remove "or designate"

- Page 4, line 12, remove "organizations to serve as" and remove "children's services"
- Page 4, line 13, remove "coordinating" and overstrike "implement programs for the classes of children and"
- Page 4, line 14, overstrike "programs described in section 54-56-03" and insert immediately thereafter "serve as local planning boards in the development of comprehensive coordinated children's services. The regional and tribal committees may coordinate, sponsor, or oversee interagency or intergovernmental projects or programs for children. The regional and tribal committees may facilitate the participation of both governmental and private entities" and after "The" insert "children's services coordinating"
- Page 4, line 15, overstrike "conditions for" and overstrike "corporations"
- Page 4, line 16, remove "or designations" and overstrike ". Each corporation"
- Page 4, line 18, remove "or organization shall:"
- Page 4, remove lines 19 through 29
- Page 5, remove lines 1 through 19
- Page 5, line 20, remove "corporations for public purposes or conferred upon it by law" and overstrike ". Under its"
- Page 5, overstrike lines 21 through 26
- Page 5, line 27, overstrike "secretary of state" and insert immediately thereafter "regional and tribal committees"
- Page 5, remove lines 28 and 29
- Page 6, remove lines 1 through 12
- Renumber accordingly

#### REPORT OF STANDING COMMITTEE

SB 2042: Human Services Committee (Sen. Thane, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REFERRED to the Appropriations Committee (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2042 was placed on the Sixth order on the calendar.

- Page 1, line 2, replace "two" with "four"
- Page 1, line 7, after "children" insert "; and to provide an appropriation"
- Page 1, line 20, after "shall" insert "establish pilot programs in four human service regions and on two Indian reservations in the state and"
- Page 1, line 21, replace "and" with "or" and after "school" insert "participating in the pilot program"
- Page 1, line 22, remove "in this state"
- Page 2, line 3, replace "one" with "two"
- Page 2, line 4, replace "and" with "or", after "schools" insert "participating in the pilot program", and after "must" insert "be approved by the local board of education and may"

Page 2, line 6, remove "health education for students, parents, and school staff,"

Page 2, line 10, after the period insert "The nurse shall contact and seek approval from the parents of the pregnant or parenting teen on the content of the advice or assistance in accessing services or resources before that advice or assistance is provided."

**SECTION 4.** A new section to chapter 23-01 of the North Dakota Century Code is created and enacted as follows:

**Abortion referral prohibition.** A nurse providing services under this Act may not refer a student to another person, agency, or entity for the purpose of obtaining an abortion. This prohibition does not extend to private communications between a nurse and a child of the nurse.

**SECTION 5.** A new section to chapter 23-01 of the North Century Code is created and enacted as follows:

**Birth control device distribution prohibition.** A nurse providing services under this Act may not distribute birth control devices to a student. This prohibition does not apply to the distribution of a birth control device by a nurse to a child of the nurse."

Page 2, line 14, after "shall" insert "establish pilot programs in four human service regions and on two Indian reservations in the state and"

Page 2, line 15, remove "all"

Page 2, line 21, after "appropriate" insert "and with further parental approval"

Page 2, line 22, after the period insert "The parent may discontinue the visits at any time."

**SECTION 7. APPROPRIATION.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$750,000, or so much of the sum as may be necessary, to the department of health and consolidated laboratories for the purpose of providing the services of a public or community health nurse for students enrolled in a public school and for newborn children for the biennium beginning July 1, 1995, and ending June 30, 1997."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2044: Human Services Committee (Sen. Thane, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2044 was placed on the Sixth order on the calendar.

Page 1, line 8, after "children" insert "; to provide an appropriation; and to provide an effective date"

Page 2, line 4, replace "each" with "four"

Page 2, line 5, replace "center" with "centers"

Page 2, line 15, replace "each" with "two" and replace "reservation" with "reservations"

Page 3, after line 3, insert:

"SECTION 4. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,300,000, and from special funds derived from federal funds and from other income the sum of \$1,530,000, or so much of the sums as may be necessary, to the department of human services for the purpose of establishing diagnostic crisis beds for children needing mental health, substance abuse, or sexual abuse treatment, funding the crossroads program, which provides child care services for parents attending school, and providing additional intensive in-home family preservation services for the period beginning July 1, 1996, and ending June 30, 1997.

SECTION 5. EFFECTIVE DATE. This Act becomes effective July 1, 1996."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2045: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REFERRED to the Appropriations Committee (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2045 was placed on the Sixth order on the calendar.

Page 1, line 2, after the first comma insert "and" and remove ", and 50-25.1-04.6"

Page 1, line 3, replace the second comma with "and"

Page 1, line 4, remove ", and establishment of the state's attorney review board"

Page 1, line 5, remove "subsection 3 of section 27-20-24,"

Page 1, line 6, remove "subsection 2 of section 27-20-44,"

Page 1, line 9, remove "duties of an assistant attorney general,"

Page 1, remove lines 14 through 19

Page 2, line 1, remove the overstrike over "~~clear and convincing~~" and remove "a preponderance of the"

Page 2, line 2, remove "from clear and convincing"

Page 2, line 3, remove "evidence"

Page 2, remove lines 7 through 12

Page 5, line 6, remove "; a supreme court justice, a"

Page 5, remove line 7

Page 5, line 8, remove "by the chief justice of the supreme court"

Page 8, remove lines 23 through 29

Page 9, remove lines 1 through 3

Page 13, line 12, replace "shall" with "may", replace "two" with "an", and replace "attorneys" with "attorney"

Page 13, line 14, replace "Each" with "The", replace "attorneys" with "attorney", and replace "shall" with "may"

Page 13, line 20, remove "review board"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2055:** Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2055 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2065:** Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2065 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2074:** Natural Resources Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2074 was placed on the Sixth order on the calendar for immediate second reading.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 57-02.1-02, 57-02.1-05, and 57-02.1-06 of the North Dakota Century Code, relating to payments in lieu of real estate taxes made by the game and fish department.

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

**SECTION 1. AMENDMENT.** Section 57-02.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**57-02.1-02. Imposition of payments.** The director of the game and fish department shall annually make payments, subject to legislative ~~appropriations~~ appropriation, to the ~~counties taxing districts in each county~~ counties taxing districts in which property subject to valuation is located pursuant to the provisions of this chapter. The payments are in lieu of taxes ~~which that~~ that would otherwise be available to the ~~counties taxing districts~~ if the real property upon which these payments are based were not owned by the state, United States, or a political subdivision of this state.

**SECTION 2. AMENDMENT.** Section 57-02.1-05 of the North Dakota Century Code is amended and reenacted as follows:

**57-02.1-05. Computation of payment - Remittance to ~~counties taxing districts~~.**

1. Upon receipt of the decision of the state board of equalization, the director of the game and fish department shall compute the payments due to the ~~counties taxing districts in each county~~ counties taxing districts in which property subject to valuation is located by extending the mill levies which apply to other taxable property in the taxing districts in which the property is located. The mill levies must be extended against the property subject to valuation in the same manner as used for other taxable property in the taxing districts. If the property subject to valuation is leased or held by lease or license from the United States, the director of the game and fish department shall deduct from the payment due to the taxing districts in the county any amount paid to that county by the United States or any agency or instrumentality of the United States in lieu of real estate taxes on that property, up to a maximum of seventy-five cents per acre [hectare]. The payments due to the taxing districts in each county are the figure determined as herein provided. No

Taxing districts in a county may not receive less in these payments for any parcel or tract of land for any year than the county received in payments made pursuant to this chapter for 1974.

2. After computing the payments due to each taxing district in the county, the director of the game and fish department shall remit to the auditors of the counties the amounts due from the department, on or before March first of the succeeding year for which the assessments and valuations were made.

**SECTION 3. AMENDMENT.** Section 57-02.1-06 of the North Dakota Century Code is amended and reenacted as follows:

**57-02.1-06. Allocation of revenue within counties taxing districts.** ~~The revenue to which the county level of government is entitled must be determined according to the proportion the county mill levy on other real property bears to the total mill levies on real property of each taxing district wherein the property subject to valuation is located. The revenue remaining after apportionment to the county level must be apportioned and distributed among the various taxing districts in which the property for which payments are made is located by the county auditor upon a pro rata basis to be determined according to the proportion the assessed value of the property subject to valuation in each taxing district bears to the total assessed value of all such property subject to valuation within the county. The amount of revenue allocated to each taxing district in which such the property subject to valuation is located must be divided among the various funds of such the district according to the proportion that the mill levy for any fund bears to the total of all mill levies spread against other property in the taxing district that is assessed and taxed on an ad valorem basis."~~

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2085: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2085 was placed on the Sixth order on the calendar.

Page 1, line 16, remove "or"

Page 1, line 17, remove the overstrike over the semicolon and insert immediately thereafter "or"

Page 1, remove the overstrike over lines 18 through 22

Page 2, remove the overstrike over lines 1 through 13

Page 2, line 14, remove the overstrike over "completed", after "two" insert "five", and remove the overstrike over "years of continuous service and has successfully"

Page 2, remove the overstrike over line 15

Page 2, line 16, remove the overstrike over "evidence of such a condition" and after the period insert "A full-time paid firefighter or law enforcement officer who uses tobacco and who begins employment after June 30, 1995, is not eligible for the benefit provided under this subdivision unless the full-time paid firefighter or law enforcement officer provides yearly documentation from a physician which indicates that the full-time paid firefighter or law enforcement officer has not used tobacco for the preceding three years."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2137: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2137 was placed on the Sixth order on the calendar.

Page 1, after line 15, insert:

"2. The department of transportation shall purchase the North Dakota mill and elevator land at appraised value."

Page 1, line 16, replace "2" with "3"

Page 1, line 18, replace "3" with "4"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2151: Agriculture Committee (Sen. Bowman, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2151 was placed on the Sixth order on the calendar.

Page 1, line 10, after "support" insert "beef promotion," after "research" insert an underscored comma, and overstrike "educational" and insert immediately thereafter "education"

Page 1, line 11, overstrike "livestock and meat board and its", overstrike "industry council", and remove "or its"

Page 1, line 12, replace "successor organization" with "promotion and marketing organizations"

Page 2, line 21, replace "three" with "two"

Page 4, line 1, "replace "three" with "two"

Page 4, line 2, after "basis" insert "and the commission shall adopt policies to further define ex officio member eligibility and term limitations"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2175: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2175 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "certain sections" with "the board determines that any section" and after "of" insert "any section"

Page 1, line 10, remove "certain sections", replace "do" with "does", and after "with" insert "applicable"

Page 1, line 11, replace "include in the uniform group insurance program such" with "adopt appropriate terminology with respect to that section to comply with the federal statutes or rules, subject to the approval of the legislative council's employee benefits programs committee"

Page 1, remove lines 12 and 13

Page 1, line 14, remove "statutes or rules"

Page 1, line 15, after the period insert "Any plan modifications made by the board under this section are effective until the effective date of any measure enacted by the legislative assembly providing the necessary amendments to this chapter to ensure compliance with the federal statutes or rules."

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2178: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). SB 2178 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "On June" with "Except as provided in section 2 of this Act, at the end of each fiscal"

Page 1, line 14, remove "thirtieth of each" and after "transfer" insert " after all fiscal year expenses have been paid."

Page 1, after line 17, insert:

**"SECTION 2. EXEMPTION.** The state treasurer may not include revenue generated by the insurance company appointment or renewal fee increase provided for in Senate Bill No. 2160, as approved by the fifty-fourth legislative assembly, and associated expenditures in calculating transfers from the insurance regulatory trust fund to the general fund pursuant to subsection 3 of section 26.1-01-07.1 for the biennium beginning July 1, 1995, and ending June 30, 1997."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 401 - INSURANCE COMMISSIONER

SENATE - This amendment provides that the transfer of the cash balance in the insurance regulatory trust fund exceeding \$1.5 million to the general fund be made at the end of each fiscal year after all fiscal year expenses have been paid rather than on June 30 of each year.

In addition, a section is added providing that revenue generated from the \$5 increase in insurance company appointment fees provided for in Senate Bill No. 2160 and associated expenditures is not to be included in the calculation of the amounts to be transferred to the general fund from the insurance regulatory trust fund during the 1995-97 biennium.

**REPORT OF STANDING COMMITTEE**

**SB 2180: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2180 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2187: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the Appropriations Committee (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2187 was rereferred to the Appropriations Committee.

**REPORT OF STANDING COMMITTEE**

**SB 2205: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2205 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

SB 2209: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2209 was placed on the Sixth order on the calendar.

Page 1, line 6, after the third comma insert "15-27.3-02, 15-27.3-05,"

Page 8, line 5, replace "county committee:" with "school districts"

Page 8, line 6, replace "1. Upon" with "upon"

Page 8, line 7, remove ": or"

Page 8, remove lines 8 through 10

Page 8, line 11, remove "electors"

Page 8, after line 11, insert:

"SECTION 6. AMENDMENT. Section 15-27.3-02 of the North Dakota Century Code is amended and reenacted as follows:

15-27.3-02. ~~Proposal involving territory in more than one submitted to county committees. If the school districts involved in a reorganization proposal are situated in more than one county, a special committee composed of not fewer than three members of each of the county committees of the counties encompassing the major portion of each school district shall prepare a proposal for the reorganization of the school districts. The reorganizational proposal must be submitted to each the county committee committees of the counties encompassing the major portion of each involved school district for its approval. If the reorganization proposal is approved by a majority of the members of at least one of the two county committees, or the members of one or more of the special committees fail or refuse to meet with the committee or committees from other counties committee, the county superintendent of the county in which the largest number of pupils who would be affected by the proposed new district reside shall submit the reorganization proposal to the state board for approval or disapproval. Approval of the reorganization proposal by the state board has the same effect as approval by all the county committees. If the reorganization proposal fails to receive the approval of any county committee, it may not be presented to the state board for review. If the school districts are situated in more than one county but the major portions of both such school districts are situated in the same county, the county committee of that county shall consider the matter.~~

SECTION 7. AMENDMENT. Section 15-27.3-05 of the North Dakota Century Code is amended and reenacted as follows:

15-27.3-05. **Public hearing on proposals for reorganization - Hearing testimony for adjusting.** The county committee shall hold a public hearing on the advisability of any reorganization proposal. Notice of hearings must be given by publishing a notice in the official county newspaper at least fourteen days prior to the date of each hearing. If the county committee fails to call a hearing or to give the required public notice, a petition signed by twenty-five percent of the qualified electors in the area proposed to be included in the new school district and presented to the committee makes it mandatory for a hearing to be called. Notice of the hearing must be published within ten days after the petition has been filed, and must set forth the date selected for the hearing, which may not be more than twenty days after the date of publication. The county committee shall also hear at such time as may be fixed by it, testimony offered by any person or school district interested in the reorganization proposal. The testimony and

documentary evidence considered by the county committee must include any information regarding the following factors:

1. The value and amount of all school property of whatever nature involved in the proposed action.
2. The nature, amount, and value of all bonded, warrant, and other indebtedness of each school district affected by the proposed action, including all unexecuted obligations with separate consideration given to the amount of outstanding indebtedness incurred for current expenses, the amount incurred for permanent improvements, and the location of such improvements in order that an equitable adjustment of all property, debts, and liabilities among the districts involved be made.
3. The taxable valuation of the existing districts and the differences in such valuation which would accrue under a proposed reorganization.
4. The size, geographical features, and boundaries of the districts.
5. The number of pupils attending school and the population of the districts.
6. The location and condition of the districts' school buildings and their accessibility to affected pupils.
7. The location and condition of roads, highways, and natural barriers within the respective districts.
8. The school centers where children residing in the districts attend high school.
9. Conditions affecting the welfare of the teachers and pupils of the involved districts.
10. The boundaries of other governmental units and the location of private organizations in the territories of the respective districts.
11. The educational needs of local communities in the involved districts.
12. An objective in economizing in the use of transportation and administrative services.
13. Projected future use of existing satisfactory school buildings, sites, and playfields in the involved districts.
14. A reduction in disparities in per-pupil valuation between school districts and the objective of equalization of educational opportunities for pupils.
15. Any other relevant factors which, in the judgment of the county committee, are of importance.

Following the county committee's consideration of testimony and documentary evidence with respect to the factors listed in subsections 1 through 15, the committee shall make specific findings with reference to those factors to which testimony or documentary evidence was directed in proceedings before the committee.

The county committee shall keep a record of the hearing on the reorganization of school districts and of all findings and terms of adjustment of property, debts, and liabilities among the districts involved, and shall submit the same to the state board at the time of submitting the reorganization proposal for state board approval. A ~~subcommittee composed of not fewer than three members of a county committee, or three members of the county committee of each county concerned in case territory in two or more counties is involved, may hold any hearing that the county committee is required to hold.~~

Page 9, line 2, replace "majority" with "four-fifths"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

SB 2212: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2212 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2225: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2225 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2241: Appropriations Committee (Sen. Nething, Chairman) recommends DO NOT PASS (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2241 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2242: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2242 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "expenses" with "documented charges", after "not" insert "exceed twenty dollars per towing call in addition to two dollars per loaded mile, with the total billing not to", and replace "one hundred" with "fifty"

Page 1, line 12, after "The" insert "unit of government shall send by registered mail to the last known owner of an impounded, abandoned vehicle a bill for the costs of impoundment. If reimbursement is not made within sixty days, the"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

SB 2248: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2248 was placed on the Sixth order on the calendar for immediate second reading.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to the distribution of school district transportation payments; and to declare an emergency.

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

SECTION 1. A new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

School district closure - Distribution of transportation payments.

1. If a school district ceases to exist, the superintendent of public instruction shall calculate the amount of transportation payments to which the former school district would have been entitled for providing transportation services during its final year of operation and shall certify the amount of transportation payments to the office of management and budget. The office of management and budget shall pay a percentage of the total amount certified to each North Dakota school district that enrolls students who attended the former school district during the prior school year. Each of the school districts eligible for a payment under this section is entitled to receive that percentage of the total amount certified which is the same as the percentage that the number of the district's students who attended the former school district during the prior school year bears to the total number of students who attended the former school district during the prior school year.
2. Except as provided in subsection 3, the office of management and budget shall pay the amount certified to the school district in the manner and at the time provided for other state payments in section 15-40.1-05.
3. The total transportation payments to which a school district that ceased to exist between the completion of the 1993-94 school year and the commencement of the 1994-95 school year is entitled must be distributed as provided in subsection 1 on or before June 30, 1995.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

SB 2255: Agriculture Committee (Sen. Bowman, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2255 was placed on the Sixth order on the calendar.

Page 1, line 2, after "brucellosis" insert "testing and"

Page 1, line 6, overstrike "- Penalty"

Page 2, line 2, overstrike "However, the board may grant"

Page 2, line 3, overstrike "an exception to" and overstrike "this section. An appeal may be taken from"

Page 2, line 4, overstrike "the decision of the board under" and overstrike "chapter 28-32. Any person"

Page 2, overstrike line 5

Page 2, line 6, overstrike "to", overstrike "this section", and overstrike "is guilty of a class A misdemeanor" and insert immediately thereafter "In lieu of brucellosis vaccinations, test-eligible female cattle may be brought into this state after a negative official brucellosis test. The test must be administered within thirty days before entry into the state and must be confirmed by a state-federal brucellosis laboratory or other laboratory approved by the board. "Test-eligible female cattle" means nonvaccinated females twelve months of age and older from class A states, vaccinated beef females twenty-four months of age and older, and vaccinated dairy females twenty months of age and older"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

SB 2256: Natural Resources Committee (Sen. Traynor, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2256 was placed on the Sixth order on the calendar.

Page 1, line 8, after "kill" insert "the fur-bearing animal"

Page 1, line 9, after "animal" insert "into the wild"

Page 1, line 11, after the period insert "This section does not apply to fur-bearing animals taken for scientific research or for veterinary or medical purposes."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

SB 2259: Appropriations Committee (Sen. Nething, Chairman) recommends DO NOT PASS (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). SB 2259 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

SB 2283: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2283 was placed on the Sixth order on the calendar for immediate second reading.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 4-14.2-01 of the North Dakota Century Code, relating to funds appropriated to the northern crops institute; and to amend and reenact sections 4-05.1-02 and 4-08-10 of the North Dakota Century Code, relating to funds appropriated to the North Dakota state university extension service and agricultural experiment station.

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

**SECTION 1. AMENDMENT.** Section 4-05.1-02 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**4-05.1-02. Agricultural experiment station.** The North Dakota agricultural experiment station is under the control of and subject to the supervision of the state board of higher education. The agricultural experiment station shall develop research programs involving the basic and applied biological, physical, and social sciences that will enhance agricultural systems and improve the quality of life. Funds appropriated to the agricultural experiment station may not be commingled with funds appropriated to North Dakota state university. Appropriation requests to defray expenses of the agricultural experiment station must be separate from appropriation requests to defray expenses of North Dakota state university.

**SECTION 2. AMENDMENT.** Section 4-08-10 of the North Dakota Century Code is amended and reenacted as follows:

**4-08-10. County agent to submit monthly account of expenditures.** ~~An~~ The county agent shall submit monthly an accurate itemized account of all expenditures incurred by the county agent in the regular conduct of his duties ~~must be submitted monthly by him to the extension division of the North Dakota state university of agriculture and applied science extension service~~ extension service for examination and audit. Where charges are made by a county agent for money expended in the

performance of official duties, all items of one dollar or more so expended and charged for must be covered by a subvoucher or receipt which must be signed by the person to whom the money was paid. The subvoucher or receipt must show at what place, on what date, and for what, the money expended was paid. The subvouchers or receipts must be forwarded with the bill, claim, account, or demand against the county. Where charges are made for transportation expenses, they must not exceed the amounts provided by section 11-10-15, and must be in itemized form showing the mileage traveled, the days when and how traveled, and the purpose thereof, verified by his affidavit. ~~Such The~~ account must be transmitted and recommended for payment by the ~~extension division of the North Dakota state university of agriculture and applied science~~ extension service which shall audit the same and which may approve or disallow any expense item therein. The ~~extension division of the North Dakota state university of agriculture and applied science~~ extension service is under the control, and subject to the supervision, of the state board of higher education. Funds appropriated to the North Dakota state university extension service may not be commingled with funds appropriated to North Dakota state university. An appropriation request to defray expenses of the North Dakota state university extension service must be separate from an appropriation request to defray expenses of North Dakota state university.

**SECTION 3.** A new subsection to section 4-14.2-01 of the 1993 Supplement to the North Dakota Century Code is created and enacted as follows:

Funds appropriated to the northern crops institute may not be commingled with funds appropriated to North Dakota state university. Appropriation requests to defray expenses of the northern crops institute must be separate from appropriation requests to defray expenses of North Dakota state university."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 640 - AGRICULTURAL EXPERIMENT STATION

SENATE - This amendment removes the provision requiring the Governor to submit a separate appropriation bill providing funds for the North Dakota State University Extension Service, Northern Crops Institute, and Agricultural Experiment Station and provides that funds appropriated by the Legislative Assembly to the North Dakota State University Extension Service, Northern Crops Institute, and Agricultural Experiment Station may not be commingled with funds appropriated to North Dakota State University. In addition, the amendment provides that appropriation requests to defray expenses of the North Dakota State University Extension Service, Northern Crops Institute, and Agricultural Experiment Station be separate from appropriation requests relating to North Dakota State University.

**REPORT OF STANDING COMMITTEE**

SB 2285: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2285 was placed on the Sixth order on the calendar.

In lieu of the proposed amendments to Senate Bill No. 2285 as printed on pages 223 and 224 of the Senate Journal, Senate Bill No. 2285 is amended as follows:

Page 1, line 1, replace "section" with "sections" and after "14-02.4-02" insert ", 14-02.4-03, 14-02.4-04, 14-02.4-05, 14-02.4-06, 14-02.4-08,

14-02.4-09, 14-02.4-12, 14-02.4-13, 14-02.4-14, 14-02.4-15, 14-02.4-16, 14-02.4-17, and 14-02.4-18"

Page 1, line 18, overstrike "handicap" and insert immediately thereafter "disability"

Page 5, after line 14, insert:

**"SECTION 2. AMENDMENT.** Section 14-02.4-03 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**14-02.4-03. Employer's discriminatory practices.** It is a discriminatory practice for an employer to fail or refuse to hire a person; to discharge an employee; or to accord adverse or unequal treatment to a person or employee with respect to application, hiring, training, apprenticeship, tenure, promotion, upgrading, compensation, layoff, or a term, privilege, or condition of employment, because of race, color, religion, sex, national origin, age, physical or mental ~~handicap~~ disability, status with respect to marriage or public assistance, or participation in lawful activity off the employer's premises during nonworking hours which is not in direct conflict with the essential business-related interests of the employer. It is a discriminatory practice for an employer to fail or refuse to make reasonable accommodations for an otherwise qualified person with a physical or mental ~~handicap~~ disability or because of that person's religion. This chapter does not prohibit compulsory retirement of any employee who has attained sixty-five years of age, but not seventy years of age, and who, for the two-year period immediately before retirement, is employed in a bona fide executive or high policymaking position, if the employee is entitled to an immediate nonforfeiture annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of those plans, of the employer of the employee, which equal, in the aggregate, at least forty-four thousand dollars.

**SECTION 3. AMENDMENT.** Section 14-02.4-04 of the North Dakota Century Code is amended and reenacted as follows:

**14-02.4-04. Employment agency's discriminatory practices.** It is a discriminatory practice for an employment agency to accord adverse or unequal treatment to a person in connection with an application for employment, referral, or request for assistance in procurement of employees because of race, color, religion, sex, national origin, age, physical or mental ~~handicap~~ disability, or status with respect to marriage or public assistance; or to accept a listing of employment on that basis.

**SECTION 4. AMENDMENT.** Section 14-02.4-05 of the North Dakota Century Code is amended and reenacted as follows:

**14-02.4-05. Labor organization's discriminatory practices.** It is a discriminatory practice for a labor organization to deny full and equal membership rights to an applicant for membership or to a member; to expel, suspend, or otherwise discipline a member; or to accord adverse, unlawful, or unequal treatment to a person with respect to the person's hiring, apprenticeship, training, tenure, compensation, upgrading, layoff, or a term or condition of employment because of race, color, religion, sex, national origin, age, physical or mental ~~handicap~~ disability, or status with respect to marriage or public assistance.

**SECTION 5. AMENDMENT.** Section 14-02.4-06 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**14-02.4-06. Certain employment advertising deemed discriminatory.** It is a discriminatory practice for an employer, employment agency, or labor organization, or the employees, agents, or members thereof directly or indirectly to advertise or in any other manner indicate or publicize that individuals of a particular race, color, religion, sex, national origin, age, physical or mental handicap disability, or status with respect to marriage or public assistance, or who participate in lawful activity off the employer's premises during nonworking hours which activity is not in direct conflict with the essential business-related interests of the employer, are unwelcome, objectionable, not acceptable, or not solicited.

**SECTION 6. AMENDMENT.** Section 14-02.4-08 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**14-02.4-08. Qualification based on religion, sex, national origin, physical or mental handicap disability, or marital status.** Notwithstanding sections 14-02.4-03 through 14-02.4-06, it is not a discriminatory practice for an employer to fail or refuse to hire and employ an individual for a position, to discharge an individual from a position, or for an employment agency to fail or refuse to refer an individual for employment in a position, or for a labor organization to fail or refuse to refer an individual for employment, on the basis of religion, sex, national origin, physical or mental handicap disability, or marital status in those circumstances where religion, sex, national origin, physical or mental handicap disability, or marital status is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; nor is it a discriminatory practice for an employer to fail or refuse to hire and employ an individual for a position, or to discharge an individual from a position on the basis of that individual's participation in a lawful activity that is off the employer's premises and that takes place during nonworking hours and which is not in direct conflict with the essential business-related interests of the employer, if that participation is contrary to a bona fide occupational qualification that reasonably and rationally relates to employment activities and the responsibilities of a particular employee or group of employees, rather than to all employees of that employer.

**SECTION 7. AMENDMENT.** Section 14-02.4-09 of the North Dakota Century Code is amended and reenacted as follows:

**14-02.4-09. Seniority, merit, or other measuring systems and ability tests not discriminatory.** Notwithstanding sections 14-02.4-03 through 14-02.4-06, it is not a discriminatory practice for an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations provided that the differences are not the result of an intention to discriminate because of race, color, religion, sex, national origin, age, physical or mental handicap disability, status with respect to marriage or public assistance, or participation in lawful activity off the employer's premises during nonworking hours; or for an employer to give and to act upon the results of any professionally developed ability test; provided, that the test, its administration, or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, national origin, age, physical or mental handicap disability, status with respect to marriage or public assistance, or participation in a lawful activity off the employer's premises during nonworking hours.

**SECTION 8. AMENDMENT.** Section 14-02.4-12 of the North Dakota Century Code is amended and reenacted as follows:

**14-02.4-12. Discriminatory housing practices by owner or agent.** It is a discriminatory practice for an owner of rights to housing or real property or the owner's agent or a person acting under court order, deed or trust, or will to:

1. Refuse to transfer an interest in real property or housing accommodation to a person because of race, color, religion, sex, national origin, age, physical or mental handicap disability, or status with respect to marriage or public assistance;
2. Discriminate against a person in the terms, conditions, or privileges of the transfer of an interest in real property or housing accommodation because of race, color, religion, sex, national origin, age, physical or mental handicap disability, or status with respect to marriage or public assistance; or
3. Indicate or publicize that the transfer of an interest in real property or housing accommodation by persons is unwelcome, objectionable, not acceptable, or not solicited because of a particular race, color, religion, sex, national origin, age, physical or mental handicap disability, or status with respect to marriage or public assistance.

**SECTION 9. AMENDMENT.** Section 14-02.4-13 of the North Dakota Century Code is amended and reenacted as follows:

**14-02.4-13. Discriminatory housing practice by financial institution or lender.** It is a discriminatory practice for a person, or agent or employee of the person, who lends or provides other financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, or maintenance of real property to discriminate in lending or financial assistance decisions, or in the extension of services in connection therewith, based on the race, color, religion, sex, national origin, age, physical or mental handicap disability, or status with respect to marriage or public assistance of the person seeking the loan or financial assistance.

**SECTION 10. AMENDMENT.** Section 14-02.4-14 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**14-02.4-14. Public accommodations - Discriminatory practices.** It is a discriminatory practice for a person engaged in the provision of public accommodations to fail to provide to a person access to the use of any benefit from the services and facilities of the public accommodations; or to give adverse, unlawful, or unequal treatment to a person with respect to the availability to the services and facilities, the price or other consideration therefor, the scope and equality thereof, or the terms and conditions under which the same are made available, because of the person's race, color, religion, sex, national origin, age, physical or mental handicap disability, or status with respect to marriage or public assistance.

**SECTION 11. AMENDMENT.** Section 14-02.4-15 of the North Dakota Century Code is amended and reenacted as follows:

**14-02.4-15. Public services - Discriminatory practices.** It is a discriminatory practice for a person engaged in the provision of public services to fail to provide to a person access to the use of and benefit thereof, or to give adverse or unequal treatment to a person in connection therewith because of the person's race, color, religion, sex, national origin, age, physical or mental handicap disability, or status with respect to marriage or public assistance.

**SECTION 12. AMENDMENT.** Section 14-02.4-16 of the North Dakota Century Code is amended and reenacted as follows:

**14-02.4-16. Advertising public accommodations or services - Discriminatory practices - Exceptions.** It is a discriminatory practice for a person to advertise or in any other manner indicate or publicize that the patronage of persons of a particular race, color, religion, sex, national origin, age, physical or mental handicap disability, or status with respect to marriage or public assistance is unwelcome, objectionable, not acceptable, or not solicited. This section does not prohibit a notice or advertisement banning minors from places where alcoholic beverages are being served.

**SECTION 13. AMENDMENT.** Section 14-02.4-17 of the North Dakota Century Code is amended and reenacted as follows:

**14-02.4-17. Credit transactions - Discriminatory practices.** It is a discriminatory practice, except as permitted or required by the Equal Credit Opportunity Act [15 U.S.C. 1691], for a person, whether acting as an individual or for another, to deny credit, increase the charges or fees for or collateral required to secure credit, restrict the amount or use of credit extended, impose different terms or conditions with respect to the credit extended to a person, or item or service related thereto because of race, color, religion, sex, national origin, age, physical or mental handicap disability, or status with respect to marriage or public assistance. This section does not prohibit a party to a credit transaction from considering the credit history of a person or from taking reasonable action thereon.

**SECTION 14. AMENDMENT.** Section 14-02.4-18 of the North Dakota Century Code is amended and reenacted as follows:

**14-02.4-18. Concealing, aiding, compelling, or inducing unlawful discrimination - Threats or reprisals.** It is a discriminatory practice for a person to conceal unlawful discrimination or aid, abet, compel, coerce, incite, or induce another person to discriminate, or by means of trick, artifice, advertisement, or sign, or by the use of a form of application, or the making of a record or inquiry, or by use of a device whatever to bring about or facilitate discrimination, or to engage in or threaten to engage in a reprisal, economic or otherwise, against a person by reason of the latter's filing a complaint, testifying, or assisting in the observance and support of the purpose and provisions of this chapter because of race, color, religion, sex, national origin, age, physical or mental handicap disability, status with respect to marriage or public assistance, or participation in lawful activity off the employer's premises during nonworking hours."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2288: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2288 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2292: Human Services Committee (Sen. Thane, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2292 was placed on the Sixth order on the calendar.

Page 3, line 8, after "Has" insert "completed"

Page 3, line 9, after "degree" insert "the equivalent of"

Page 3, line 11, overstrike "obtained", remove "the last", and overstrike "five" and insert immediately thereafter "the last seven"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2298: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). SB 2298 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2305: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2305 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2320: Human Services Committee (Sen. Thane, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the Appropriations Committee (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2320 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to amend and reenact section 53-06.1-12.1 of the North Dakota Century Code, relating to games of chance taxes;"

Page 1, line 4, underscore "Definitions. As used in", after "in" insert "sections 1 and 2 of", and underscore "this Act, unless the context"

Page 1, underscore lines 5 through 10

Page 1, line 11, underscore "Compulsive gambling treatment services. The department of"

Page 1, underscore lines 12 through 22

Page 2, underscore lines 1 through 9

Page 2, after line 9, insert:

"SECTION 3. AMENDMENT. Section 53-06.1-12.1 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

53-06.1-12.1. Games of chance tax. Of the taxes collected under this chapter, five hundred thousand dollars per biennium must be deposited in the department of human services welfare special operating fund and may be used only for compulsive gambling treatment services as provided in section 2 of this Act. The state treasurer shall deposit ~~all~~ any remaining taxes collected under this chapter in the general fund in the state treasury."

Page 2, line 12, after "\$500,000" insert "from the department of human services welfare special operating fund"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2327: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2327 was placed on the Sixth order on the calendar.

Page 1, line 9, remove the overstrike over "~~The nonresident waterfowl hunting license~~"

Page 1, line 10, after "entitle" insert "entitles", remove the overstrike over "the nonresident to hunt waterfowl for any period of", and after "fourteen" insert "fifteen"

Page 1, line 11, remove the overstrike over "consecutive days or any", after "two" insert "three", remove the overstrike over "periods of", after "seven" insert "five", and remove the overstrike over "consecutive days each and in"

Page 1, line 12, remove the overstrike over "specified waterfowl hunting zones. A license authorizing", after "7-day" insert "three 5-day", and remove the overstrike over "hunting"

Page 1, remove the overstrike over lines 13 through 18

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

SB 2340: Appropriations Committee (Sen. Nething, Chairman) recommends DO NOT PASS (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). SB 2340 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2347: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2347 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2353: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2353 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2355: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2355 was placed on the Sixth order on the calendar.

Page 2, line 7, after "54-01-05.5" insert ". However, the conveyance may only be made after the property has been appraised and sold at public auction. The sale price must be at least ninety percent of the minimum appraised value and the notice and location of sale must be published in the official Richland County newspaper for two consecutive weeks before the public sale"

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

SB 2357: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2357 was placed on the Sixth order on the calendar.

Page 1, line 20, remove the overstrike over "or", remove the first underscored comma, and overstrike "pathologists," and remove "or"

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

SB 2358: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REFERRED to the Appropriations Committee (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2358 was placed on the Sixth order on the calendar.

Page 1, remove line 6

Page 1, line 7, replace "2." with "1."

Page 1, after line 8, insert:

"2. "Division" means the forensic science division of the department of health and consolidated laboratories."

Page 1, line 12, after "admitted" insert "as prima facie evidence"

Page 1, line 20, replace "section" with "sections"

Page 1, line 21, after the first comma insert "subdivision e or f of subsection 1 of section", after the first "or" insert "section", remove the third comma, and after the second "or" insert "any other offense when the court finds at sentencing that the person engaged in a nonconsensual sexual act or sexual contact with another person during, in the course of, or as a result of, the offense and any person"

Page 2, line 6, replace "may" with "must"

Page 2, line 11, replace "bureau" with "division"

Page 2, line 12, replace "bureau" with "division"

Page 2, line 13, replace "bureau" with "division" and after "civil" insert "or criminal"

Page 2, line 19, replace "bureau" with "division"

Page 2, line 26, replace "bureau" with "division"

Page 2, line 29, replace "bureau" with "division" and replace "state" with "laboratory"

Page 3, line 1, replace "bureau" with "division"

Page 3, line 2, after "as" insert "prima facie"

Page 3, line 6, after the period insert "However, the records must be available to:

1. Any person who is the subject of a record.
2. A public official or the official's authorized agent who requires that information in connection with the discharge of the official's official duties.
3. A court whenever the court determines that the information is necessary for the determination of an issue before the court."

Page 3, line 11, replace "bureau" with "division"

Page 3, line 14, replace "attorney general" with "department of health" and replace "the bureau" with "consolidated laboratories"

Page 3, line 17, after "collection" insert ", analysis, and classification"

Page 3, line 18, replace "state" with "laboratory"

Page 3, line 21, replace "The bureau" with "Upon payment of a reasonable fee established by the division, the division" and replace "on a regular basis to the department and other" with ", upon the request of"

Page 3, line 22, after "agencies" insert "for use for official purposes,"

Page 3, line 23, replace "bureau" with "division"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2366: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2366 was placed on the Sixth order on the calendar.

Page 1, line 11, after "increase" insert "or rate decrease" and remove the overstrike over "~~filed by~~"

Page 1, line 12, remove "or rate decrease proceedings concerning"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2373: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2373 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2374: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO NOT PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2374 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2393: Appropriations Committee (Sen. Nething, Chairman) recommends DO NOT PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2393 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2402: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2402 was placed on the Sixth order on the calendar.

Page 2, line 3, after "entity" insert "authorized to accept bids"

Page 2, line 8, remove "two percent higher than"

Page 2, line 9, after "bidder" insert "has an acceptable performance history and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2438: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2438 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2441: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO NOT PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2441 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2442: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2442 was placed on the Sixth order on the calendar.

Page 1, line 9, after "notice" insert "as provided" and replace "the official newspaper of" with "section 21-03-26"

Page 1, line 10, remove "the municipality for two consecutive weeks"

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

SB 2459: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2459 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "twenty" with "fifteen"

Page 1, line 15, after "in" insert "the date of the sale or transfer and"

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

SB 2461: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2461 was placed on the Sixth order on the calendar.

Page 2, after line 7, insert:

- "5. Before the establishment and assessment of civil money penalties permitted by section 1919(h) of the federal Social Security Act [42 U.S.C. 1396r(h)], the department of human services shall submit a plan of alternative remedies in accordance with section 1919(h)(2)(B)(ii) of that act."

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

SB 2463: Natural Resources Committee (Sen. Traynor, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2463 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "and begin"

Page 1, line 10, remove "work to implement these plans"

Page 1, line 15, after the first comma insert "game and fish department, state department of health and consolidated laboratories,"

Page 1, line 22, after "state's" insert "current usage of, and its"

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

SB 2472: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2472 was placed on the Sixth order on the calendar.

Page 1, line 12, remove "approval of"

Page 1, line 22, replace "approved" with "accepted"

Page 2, line 4, replace "approved" with "accepted"

- Page 2, line 7, replace "approved" with "accepted"
- Page 2, line 8, replace "Approvals" with "Acceptances"
- Page 2, line 11, remove "approval of"
- Page 2, line 21, replace "approved" with "accepted"
- Page 3, line 4, remove "approval of"
- Page 3, line 21, remove "approval of"
- Page 3, line 26, replace "approved" with "accepted"
- ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

SB 2489: Human Services Committee (Sen. Thane, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2489 was placed on the Sixth order on the calendar.

- Page 1, line 2, replace "by" with "from treatment or"
- Page 1, line 3, replace "providers" with "centers"
- Page 1, line 7, remove "care"
- Page 1, line 8, replace "providers or operators of institutions or facilities sell" with "a treatment or care center, licensed under this chapter after the effective date of this Act, sells"
- Page 1, line 9, replace "remove" with "removes", replace "asset" with "assets", and replace "facility" with "center"
- Page 1, line 10, replace "costs" with "expense included in setting the rate paid by the department to that center" and replace "are" with "is"
- Page 1, line 12, replace "net book" with "undepreciated" and remove "that"
- ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

SB 2500: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2500 was placed on the Sixth order on the calendar.

- Page 1, line 9, overstrike "owner thereof" and insert immediately thereafter "mortgagee"
- Page 1, line 10, overstrike "owner of the property" and insert immediately thereafter "mortgagor"
- Page 1, line 13, replace the first "owner" with "mortgagor", replace the second "owner" with "mortgagor", after "Any" insert "mortgagee or" and overstrike "mortgage or"
- Page 1, line 15, overstrike "owner of the property" and insert immediately thereafter "mortgagor"
- ReNUMBER accordingly

## REPORT OF STANDING COMMITTEE

SCR 4030: Human Services Committee (Sen. Thane, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4030 was placed on the Tenth order on the calendar.

## REPORT OF STANDING COMMITTEE

SCR 4031: Natural Resources Committee (Sen. Traynor, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4031 was placed on the Sixth order on the calendar.

Page 1, line 20, after "\$30" insert "million" and after "\$40" insert "million"

Renumber accordingly

## REPORT OF STANDING COMMITTEE

HB 1107, as engrossed: Natural Resources Committee (Sen. Traynor, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1107 was placed on the Fourteenth order on the calendar.

## FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sen. Nething introduced:

SCR 4050: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing measures to facilitate and encourage the Tourism Department, the Council on the Arts, and the State Historical Society of North Dakota to work together and to develop jointly new and innovative products.

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

Sen. Tennefos introduced:

SCR 4051: A concurrent resolution directing the Legislative Council to study property tax assessment for irrigated and nonirrigated agricultural land.

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

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

William C. Parker, Secretary