

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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Bismarck, February 14, 1995

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

The prayer was offered by Pastor Mark A. Bayert, First Presbyterian Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

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 2159, SB 2195, SB 2216, SB 2236, SB 2263, SB 2305, SB 2330, SB 2341, SB 2347, SB 2353, SB 2373, SB 2381, SB 2411, SB 2416, SB 2438, SB 2439, SB 2478, SB 2482, SCR 4051.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1045, HB 1146, HB 1214, HB 1217, HB 1322, HB 1325, HB 1342, HB 1407, HB 1425, HB 1433, HB 1435, HB 1436, HB 1438, HB 1440, HB 1450, HB 1451, HB 1458, HB 1463, HB 1473, HB 1474, HB 1483, HB 1484, HB 1488, HB 1489, HCR 3013, HCR 3016, HCR 3017, HCR 3019, HCR 3020, HCR 3021, HCR 3022, HCR 3025, HCR 3026, HCR 3027.

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-eighth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 415, line 13, insert:

MOTION

SEN. KELSH MOVED that SB 2361 be returned to the Senate floor from the **Transportation Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. KELSH REQUESTED the unanimous consent of the Senate to withdraw SB 2361. There being no objection, it was so ordered by the President.

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

MOTION

SEN. DEMERS MOVED that SB 2408 be returned to the Senate floor from the **Judiciary Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. DEMERS REQUESTED the unanimous consent of the Senate to withdraw SB 2408. There being no objection, it was so ordered by the President.

CONSIDERATION OF AMENDMENTS

SB 2007: SEN. LIPS (Appropriations Committee) MOVED that the amendments on SJ page 479 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. LIPS MOVED that SB 2007 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2007: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the labor commissioner; and to amend and reenact section 34-05-01.2 of the North Dakota Century Code, relating to the salary of the labor commissioner.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 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; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: Yockim

Engrossed SB 2007 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2020: SEN. NAADEN (Appropriations Committee) MOVED that the amendments on SJ pages 479-481 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. NAADEN MOVED that SB 2020 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2020: A BILL for an Act making an appropriation for defraying the expenses of the state seed department.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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 2020 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2025: SEN. LIPS (Appropriations Committee) MOVED that the amendments on SJ pages 482-483 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. LIPS MOVED that SB 2025 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2025: A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions of the state water commission.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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 2025 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2066: SEN. KREBSBACH (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 484 be adopted with DO PASS, which motion prevailed.

MOTION

SEN. GOETZ MOVED that the rules be suspended and that SB 2066 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2066: A BILL for an Act to establish the international trade coordinating council; and to provide an appropriation.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; 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

NAYS: LaFountain

ABSENT AND NOT VOTING: Freborg

Engrossed SB 2066 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2202: SEN. MUTCH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 484 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed on a verification vote.

CONSIDERATION OF AMENDMENTS

SB 2306: SEN. YOCKIM (Natural Resources Committee) MOVED that the amendments on SJ page 485 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2313: SEN. ANDRIST (Agriculture Committee) MOVED that the amendments on SJ page 485 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTION

SEN. ANDRIST MOVED that SB 2313 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2313: A BILL for an Act to amend and reenact section 1 of chapter 411 of the 1993 Session Laws, relating to filing fees for filing documents in the Uniform Commercial Code central filing system; to repeal section 3 of chapter 411 of the 1993 Session Laws, relating to the expiration date for fees for obtaining information from the Uniform Commercial Code central filing system; and to declare an emergency.

ROLL CALL

The question being on the passage of the amended bill, which has been read, the roll was called and there were 29 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krebsbach; Kringstad; Lee; Lips; Mathern; Mutch; Naaden; Malewaja; Nelson, G.; Sand; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Thane; Traynor; Urlacher; Wanzek; Watne

NAYS: DeMers; Heinrich; Heitkamp; Kelsh; Krauter; LaFountain; Langley; Lindaas; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Solberg; Tennefos; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Nothing

Engrossed SB 2313 passed, the title was agreed to, but the emergency clause lost for lack of two-thirds majority.

CONSIDERATION OF AMENDMENTS

SB 2356: SEN. GRINDBERG (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 485-486 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2383: SEN. W. STENEHJEM (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 486 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2386: SEN. WANZEK (Agriculture Committee) MOVED that the amendments on SJ page 486 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2388: SEN. BOWMAN (Agriculture Committee) MOVED that the amendments on SJ page 487 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2392: SEN. WANZEK (Agriculture Committee) MOVED that the amendments on SJ pages 487-489 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2395: SEN. W. STENEHJEM (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 489 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2399: SEN. TENNEFOS (Transportation Committee) MOVED that the amendments on SJ pages 489-490 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2406: SEN. GRINDBERG (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 490 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2428: SEN. TOMAC (Agriculture Committee) MOVED that the amendments on SJ pages 490-492 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTION

SEN. G. NELSON MOVED that the rules be suspended and that SB 2428, which is on the Eleventh order, be rereferred to the Appropriations Committee, which motion prevailed. Pursuant to Sen. G. Nelson's motion, SB 2428 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2429: SEN. W. STENEHJEM (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 492 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTION

SEN. W. STENEHJEM MOVED that SB 2429 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2429: A BILL for an Act to amend and reenact subsection 11 of section 28-32-01 and subsections 4 and 5 of section 28-32-02 of the North Dakota Century Code, relating to the adoption of administrative rules.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; 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: Heinrich; O'Connell

ABSENT AND NOT VOTING: Kringstad

Engrossed SB 2429 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2469: SEN. C. NELSON (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 495 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTION

SEN. GOETZ MOVED that SB 2476, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2484: SEN. BOWMAN (Agriculture Committee) MOVED that the amendments on SJ page 496 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2514: SEN. MUTCH (Transportation Committee) MOVED that the amendments on SJ page 497 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2526: SEN. ANDRIST (Agriculture Committee) MOVED that the amendments on SJ page 497 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SCR 4021: SEN. HEINRICH (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 497-498 be adopted and then be placed on the CONSENT CALENDAR with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2304: SEN. HEINRICH (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 484-485 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2304: A BILL for an Act to provide for a legislative council study of access to certain telecommunications records.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Andrist; Mutch; Naaden; Nething; Solberg; Stenehjem, B.; Streibel; Tennefos; Traynor

Engrossed SB 2304 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2389, as engrossed: SEN. NETHING (Appropriations Committee) MOVED that the amendments on SJ page 487 be adopted and then be placed on the Eleventh order with DO NOT PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2389: A BILL for an Act to amend and reenact subsection 21 of section 57-39.2-04 and subsection 8 of section 57-40.2-04 of the North Dakota Century Code, relating to a sales and use tax exemption for rentals of videos, admissions tickets to movies, and the leasing or renting of motion picture films to motion picture exhibitors; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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

Reengrossed SB 2389 lost.

CONSIDERATION OF AMENDMENTS

SB 2433: SEN. ANDRIST (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 492-495 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2433: A BILL for an Act to amend and reenact section 34-12-03 of the North Dakota Century Code, relating to unfair labor practices.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 30 YEAS, 19 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tallackson; Tomac; Wogsland; Yockim

Engrossed SB 2433 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2509: SEN. ANDRIST (Agriculture Committee) MOVED that the amendments on SJ pages 496-497 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2509: A BILL for an Act to amend and reenact section 3 of chapter 720 of the 1987 Session Laws as amended by section 6 of chapter 686 of the 1991 Session Laws as amended by section 1 of chapter 570 of the 1993 Session Laws, relating to the expiration date of the emergency services communication system advisory committee.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 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 2509 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2351: A BILL for an Act to create and enact a new section to chapter 14-09, a new section to chapter 14-17, and a new subsection to section 14-17-24 of the North Dakota Century Code, relating to child support duties; to amend and reenact sections 14-09-09.16, 14-17-08, 14-17-15, 14-17-17, and 30.1-19-05 of the North Dakota Century Code, relating to child support duties and paternity determinations; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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 2351 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2369: A BILL for an Act to create and enact a new section to chapter 29-01 of the North Dakota Century Code, relating to reciprocal discovery in criminal cases.

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 29 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Goetz; Grindberg; Heinrich; Heitkamp; Kinnoin; Krauter; Krebsbach; Lee; Lindaas; Mathern; Nalewaja; Nelson, C.; Nething; O'Connell; Robinson; Sand; Scherber; Solberg; Streibel; Tallackson; Thane; Tomac; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Bowman; DeMers; Freborg; Holmberg; Kelsh; Kringstad; LaFountain; Langley; Lips; Mushik; Mutch; Naaden; Nelson, G.; Redlin; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tennefos; Traynor

Engrossed SB 2369 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2382: A BILL for an Act to amend and reenact section 12.1-20-06.1 of the North Dakota Century Code, relating to sexual exploitation by a therapist.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; 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

ABSENT AND NOT VOTING: Kinnoin

Engrossed SB 2382 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 3:10 p.m., which motion prevailed.

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

MOTION

SEN. THANE MOVED that the Senate reconsider its action whereby SB 2445 failed to pass.

REQUEST

SEN. C. NELSON REQUESTED a recorded roll call vote on the motion to reconsider the action whereby SB 2445 failed to pass, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby SB 2445 failed to pass, the roll was called and there were 20 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; Freborg; Goetz; Grindberg; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; Stenehjem, B.; Streibel; Tennefos; Traynor; Urlacher; Wanzek; Watne

NAYS: Andrist; DeMers; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

So the motion to reconsider the action whereby SB 2445 failed to pass failed.

SECOND READING OF SENATE BILL

SB 2384: A BILL for an Act to amend and reenact section 54-44.4-02 of the North Dakota Century Code, relating to political subdivision participation in office of management and budget vehicle purchases.

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

YEAS: Andrist; DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Lindaas; Mathern; Mushik; Nelson, C.; Redlin; Robinson; Scherber; Stenehjem, B.; Thane; Tomac; Wogsland; Yockim

NAYS: Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Streibel; Tallackson; Tennefos; Traynor; Urlacher; Wanzek; Watne

Engrossed SB 2384 lost.

SECOND READING OF SENATE BILL

SB 2405: A BILL for an Act to amend and reenact subsection 11 of section 28-32-01 and subsections 6 and 7 of section 28-32-02 of the North Dakota Century Code, relating to adoption of administrative rules.

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 2405 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2006: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the state tax commissioner; and to amend and reenact section 57-01-04 of the North Dakota Century Code, relating to the salary of the state tax commissioner.

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 2006 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2183: A BILL for an Act to amend and reenact sections 4-22-03, 4-22-04,

subsection 8 of section 4-22-06, section 4-22-48, subsection 2 of section 38-14.1-21, sections 38-16-01, and 55-08-02.1 of the North Dakota Century Code, relating to establishing the soil conservation committee within the office of the commissioner of agriculture, soil conservation committee staff, soil conservation committee representation for surface mining permit application reviews, definitions for purposes of surface mining reclamation, and soil conservation committee representation on the state outdoor recreation interagency council; and to repeal sections 4-22-05, 38-16-02, 38-16-03, 38-16-04, 38-16-05, and 38-16-06 of the North Dakota Century Code, relating to the soil conservation committee and surface mining reports and operations.

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: Nelson, G.; Solberg

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.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2183 lost.

SECOND READING OF SENATE BILL

SB 2417: A BILL for an Act to provide for citizen enforcement of parking restrictions relating to persons who are mobility impaired.

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

YEAS: DeMers; Heitkamp; Kelsh; LaFountain; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; St. Aubyn; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heinrich; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; Langley; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

SB 2417 lost.

SECOND READING OF SENATE BILL

SB 2464: A BILL for an Act to create and enact a new section to chapter 57-39.2 and a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to imposition of sales taxes on certain interstate telecommunications services; to amend and reenact sections 57-06-02, 57-06-03, and subdivision b of subsection 1 of section 57-39.2-02.1 of the North Dakota Century Code, relating to definitions and a tax exemption for personal property owned by interexchange telecommunications carriers; to provide an appropriation; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 38 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Mathern; Nelson, G.; O'Connell; Tomac; Wogsland; Yockim

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

SB 2464 lost.

SECOND READING OF SENATE BILL

SB 2466: A BILL for an Act to amend and reenact subdivision a of subsection 3 of section 52-04-05 and subsection 3 of section 52-04-06 of the North Dakota Century Code, relating to determination of contribution rates and variations in the standard rate of contributions for unemployment compensation purposes.

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 32 YEAS, 17 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: DeMers; Heinrich; Heitkamp; Kelsh; Krauter; LaFountain; Langley; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Wogsland; Yockim

SB 2466 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2468: A BILL for an Act to amend and reenact subsection 55 of section 39-01-01, subsection 3 of section 39-16-05, sections 39-16.1-02, 39-16.1-05, subsection 2 of section 39-16.1-11, and section 39-16.1-15 of the North Dakota Century Code, relating to proof of financial responsibility and motor vehicle liability policy coverage.

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 2468 lost.

SECOND READING OF SENATE BILL

SB 2481: A BILL for an Act to amend and reenact paragraph 3 of subdivision b of subsection 2 of section 39-06-14 of the North Dakota Century Code, relating to the farm exemption for holders of a class D motor vehicle operator's license.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 40 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: DeMers; Heinrich; Krebsbach; Lee; Nelson, C.; Scherber; Schobinger; Tennefos; Watne

SB 2481 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2486: A BILL for an Act 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 the close up program.

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; Kinnoin; Krauter; LaFountain; Langley; Lindaas; Mathern; Mushik; Nalewaja; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tallackson; Thane; Watne; Wogsland; Yockim

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

SB 2486 lost.

SECOND READING OF SENATE BILL

SB 2487: A BILL for an Act to amend and reenact subsection 1 of section 15-39.1-10 of the North Dakota Century Code, relating to eligibility for benefits under the teachers' fund for retirement.

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 4 YEAS, 45 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; Naaden; Nelson, G.; Thane

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

SB 2487 lost.

SECOND READING OF SENATE BILL

SB 2494: A BILL for an Act to create and enact a new subsection to section 15-27.6-10 of the North Dakota Century Code, relating to the formation of new school districts; to amend and reenact subsection 3 of section 15-27.6-10 of the North Dakota Century Code, relating to the formation of new school districts; 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 12 YEAS, 37 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; Mutch; Naaden; Nalewaja; Nething; Solberg; Stenehjem, B.; Streibel; Tennefos; Thane; Wanzek

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

SB 2494 lost.

SECOND READING OF SENATE BILL

SB 2508: A BILL for an Act to amend and reenact subsection 4 of section 39-01-15 of the North Dakota Century Code, relating to parking privileges for persons who are mobility impaired; 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 35 YEAS, 14 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Bowman; Freborg; Kringstad; Mutch; Naaden; Nalewaja; Nelson, G.; Schobinger; Solberg; Stenehjem, B.; Tennefos; Traynor; Urlacher; Watne

SB 2508 passed and the title was agreed to.

MOTION

SEN. G. NELSON MOVED that the Senate amend Senate Rule 507 to read "all

Senate bills and resolutions must be reported back to the Senate no later than the thirty-second legislative day", which motion prevailed.

MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Wednesday, February 15, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2022: 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 2022 was placed on the Sixth order on the calendar.

Page 1, after line 15, insert:

"Yellowstone-Missouri-Fort Union Commission 4,977"

Page 1, line 16, replace "364,583" with "517,583"

Page 1, line 17, replace "5,571,021" with "5,728,998"

Page 1, line 19, replace "4,570,922" with "4,728,899"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 701 - HISTORICAL SOCIETY

SENATE - This amendment makes the following changes:

	1995-97 EXECUTIVE RECOMMENDATION	PEACE GARDEN CAPITAL IMPROVEMENTS	YELLOWSTONE- MISSOURI-FORT UNION COMMISSION	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$3,782,452				\$3,782,452
Operating expenses	782,076				782,076
Equipment	74,644				74,644
Capital improvements	81,707				81,707
Grants	485,559				485,559
International Peace Garden	364,583	\$153,000 ¹		\$153,000	517,583
Yellowstone-Missouri- Fort Union Commission	<u> </u>	<u> </u>	<u>\$4,977²</u>	<u>4,977</u>	<u>4,977</u>
Total	\$5,571,021	\$153,000	\$4,977	\$157,977	\$5,728,998
General fund	\$4,570,922	\$153,000	\$4,977	\$157,977	\$4,728,899
Special funds	<u>1,000,099</u>	<u> </u>	<u> </u>	<u> </u>	<u>1,000,099</u>
Total	\$5,571,021	\$153,000	\$4,977	\$157,977	\$5,728,998
FTE	54				54

¹ Funding is provided for 50 percent of the estimated cost of upgrading the Peace Garden's water treatment plant. The additional \$153,000 needed for the project will be provided by Canada.

² Provides funding for expenses of the Yellowstone-Missouri-Fort Union Commission. The amount provided is 95 percent of the 1993-95 general fund appropriation for the commission which was included in the Governor's office appropriation.

REPORT OF STANDING COMMITTEE

SB 2023: 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 2023 was placed on the Sixth order on the calendar.

Page 1, replace lines 11 through 15 with:

"Salaries and wages	\$3,983,376
Operating expenses	2,194,131
Equipment	169,900
Capital improvements	441,232
Grants	<u>1,203,333"</u>

Page 1, line 16, replace "8,115,933" with "7,991,972"

Page 1, line 18, replace "5,085,970" with "4,962,009"

Page 2, remove lines 10 through 15

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 750 - PARKS AND RECREATION

SENATE - This amendment provides object code-based line items for the Parks and Recreation Department's appropriation rather than program-based line items. The object code-based line item changes are as follows:

	1995-97 EXECUTIVE RECOMMENDATION	REMOVE VACANT POSITIONS	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$4,107,337	\$(123,961) ¹	\$(123,961)	\$3,983,376
Operating expenses	2,194,131			2,194,131
Equipment	169,900			169,900
Capital improvements	441,232			441,232
Grants	<u>1,203,333</u>			<u>1,203,333</u>
Total	\$8,115,933	\$(123,961)	\$(123,961)	\$7,991,972
General Fund	\$5,085,970	\$(123,961)	\$(123,961)	\$4,962,009
Special Funds	<u>\$3,029,963</u>			<u>\$3,029,963</u>
Total	\$8,115,933	\$(123,961)	\$(123,961)	\$7,991,972
FTE	38	(2)	(2)	36

¹Removes 2 FTE vacant positions vacated prior to August 31, 1994.

The funding provided for each Parks and Recreation Department program is as follows:

	EXECUTIVE BUDGET	LEGISLATIVE CHANGES	LEGISLATIVE APPROPRIATION
Administration	\$1,243,183		\$1,243,183
Planning and development	2,528,914	\$ (65,193)	2,463,721
Prairie rose state games	170,966		170,966
Parks	4,071,825	(58,768)	4,013,057
Salary and benefits adjustment	<u>101,045</u>	<u> </u>	<u>101,045</u>
Total	\$8,115,933	\$(123,961)	\$7,991,972

Although the line items contained in the bill are changed to object code-based line items, the agency is expected to monitor and strive to achieve its performance measure goals and objectives.

REPORT OF STANDING COMMITTEE

SB 2026: 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 2026 was placed on the Sixth order on the calendar.

Page 2, line 5, replace "\$1,558,024" with "\$1,058,024"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 612 - AGRICULTURAL PRODUCTS UTILIZATION COMMISSION

SENATE - This amendment changes the amount appropriated from the agricultural fuel tax fund to reflect only agricultural fuel tax fund collections. The executive budget included \$500,000 of federal funds as being appropriated from this fund, which is unnecessary because the \$500,000 is included in the estimated income line item in Section 1 of the bill.

The \$500,000 of federal funds included in the estimated income line item is from the following sources:

- A \$250,000 grant to be received from the Agriculture Commissioner for eligible projects determined by the Agricultural Products Utilization Commission that are consistent with the federal rural economic and community development program guidelines.
- Additional federal funds of \$250,000 from a second-year grant from the federal rural economic and community development program or other federal grant income.

REPORT OF STANDING COMMITTEE

SB 2027: 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 2027 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "10,776,489" with "10,294,701"

Page 1, line 22, replace "21,282,327" with "20,800,539"

Page 2, line 1, replace "21,271,068" with "20,789,280"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 485 - WORKERS COMPENSATION BUREAU

SENATE - The amendment makes the following changes:

	1995-97 EXECUTIVE RECOMMENDATION	REMOVE VACANT POSITIONS	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$10,776,489	\$(481,788)	\$(481,788)	\$10,294,701
Operating expenses	5,765,538			5,765,538
Equipment	989,625			989,625
Managed care/TPA	1,460,250			1,460,250
Information reengineering	1,979,166			1,979,166
Other states coverage	50,000			50,000
Contingencies	250,000			250,000
Civil Air Patrol payment	<u>11,259</u>	<u> </u>	<u> </u>	<u>11,259</u>
Total all funds	\$21,282,327	\$(481,788)	\$(481,788)	\$20,800,539
Less estimated income	<u>21,271,068</u>	<u>(481,788)</u>	<u>(481,788)</u>	<u>20,789,280</u>
Total general fund	\$ 11,259	\$ 0	\$ 0	\$ 11,259
FTE	155.5	(7)	(7)	148.5

REPORT OF STANDING COMMITTEE

SB 2028: 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 2028 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "STATE" with "RETIREMENT AND"

Page 1, line 12, replace "502,055" with "1,490,587"

Page 1, line 13, replace "216,898" with "896,720"

Page 1, line 14, replace "11,563" with "36,619"

Page 1, line 15, replace "50,000" with "100,000"

Page 1, line 16, replace "780,516" with "2,523,926"

Page 1, line 18, replace "BENEFITS" with "RETIREMENT"

Page 1, line 19, replace "1,909,529" with "1,482,320"

Page 1, line 20, replace "1,669,765" with "1,030,956"

Page 1, line 21, replace "15,596" with "26,280"

Page 1, line 22, replace "90,000" with "40,000"

Page 2, line 1, replace "3,684,890" with "2,579,556"

Page 2, line 2, replace "4,465,406" with "5,103,482"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 190 - RETIREMENT AND INVESTMENT OFFICE

SENATE - This amendment eliminates the State Investment Office (Department 193), a new agency proposed in the executive budget to administer the activities of the State Investment Board, and restores funding for the Retirement and Investment Office (Department 190). Funding is restored to the requested level, plus an adjustment of \$33,498 to the salaries and wages line item for the executive compensation package, plus an adjustment of \$9,218 to the operating expenses line item to reflect a decrease in Information Services Division costs and an increase in the indirect cost assessment. This amendment is summarized as follows:

	1995-97 EXECUTIVE RECOMMENDATION ¹	RESTORE FUNDING FOR RIO	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$502,055	\$ 988,532	\$ 988,532	\$1,490,587
Operating expenses	216,898	679,822	679,822	896,720
Equipment	11,563	25,056	25,056	36,619
Contingency	<u>50,000</u>	<u>50,000</u>	<u>50,000</u>	<u>100,000</u>
Total	\$780,516	\$1,743,410	\$1,743,410	\$2,523,926
General fund	\$ 0	\$ 0	\$ 0	\$ 0
Special funds	<u>780,516</u>	<u>1,743,410</u>	<u>1,743,410</u>	<u>2,523,926</u>
Total	\$780,516	\$1,743,410	\$1,743,410	\$2,523,926
FTE	6	13	13	19

¹Executive recommendation reflects the amounts contained in the executive budget for the State Investment Office (Department 193).

DEPARTMENT 192 - PUBLIC EMPLOYEES RETIREMENT SYSTEM

SENATE - This amendment eliminates the Public Employees Benefits System (Department 194), a new agency proposed in the executive budget to administer the activities of the Public Employees Retirement System (PERS), the Teachers' Fund for Retirement, and certain employee benefits, and restores funding for the Public Employees Retirement System (Department 192). Funding is restored to the requested level, plus an adjustment of \$168,756 for the executive compensation package, plus an adjustment of \$43,706 to reflect an increase in the indirect cost assessment. This amendment is summarized as follows:

	1995-97 EXECUTIVE RECOMMENDATION ¹	RESTORE FUNDING FOR RIO	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$1,909,529	\$ (427,209)	\$ (427,209)	\$1,482,320
Operating expenses	1,669,765	(638,809)	(638,809)	1,030,956
Equipment	15,596	10,684	10,684	26,280
Contingency	<u>90,000</u>	<u>(50,000)</u>	<u>(50,000)</u>	<u>40,000</u>
Total	\$3,684,890	\$(1,105,334)	\$(1,105,334)	\$2,579,556
General fund	\$ 0	\$ 0	\$ 0	\$ 0
Special funds	<u>3,684,890</u>	<u>(1,105,334)</u>	<u>(1,105,334)</u>	<u>2,579,556</u>
Total	\$3,684,890	\$(1,105,334)	\$(1,105,334)	\$2,579,556
FTE	28	-6	-6	22

¹Executive recommendation reflects the amounts contained in the executive budget for the Public Employees Benefits System (Department 194).

REPORT OF STANDING COMMITTEE

SB 2042, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends DO NOT PASS (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2042 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2045, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (9 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). Engrossed SB 2045 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2081: Finance and Taxation Committee (Sen. Tennesos, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2081 was placed on the Sixth order on the calendar.

Page 1, line 11, replace ", "base" with ":

- a. "Base"

Page 1, line 14, replace "and "budget" with ";

- b. "Budget"

Page 1, line 15, after "section" insert ";

- c. "Calculated mill rate" means the mill rate that results from dividing the base year taxes levied by the sum of the taxable value of the taxable property in the base year plus the taxable value of the exempt property calculated in the same manner as taxable property"

Page 2, line 12, after "4." insert "A taxing district may elect to levy the amount levied in dollars in the base year. Any levy under this section must be specifically approved by a resolution approved by the governing body of the taxing district. Before determining the levy limitation under this section, the dollar amount levied in the base year must be:

- a. Reduced by an amount equal to the sum determined by the application of the base year's calculated mill rate for that taxing district to the final base year taxable valuation of any taxable and exempt property that is not included in the taxing district for the budget year but was included in the taxing district for the base year.
- b. Increased by an amount equal to the sum determined by the application of the base year's calculated mill rate for that taxing district to the final budget year taxable valuation of any taxable and exempt property but which is included in the taxing district for the budget year.
- c. Reduced to reflect expired temporary mill levy increases authorized by the electors of the taxing district.

5."

Page 2, line 23, replace "5" with "6"

Page 2, line 27, replace "6" with "7"

Page 3, line 7, replace "7" with "8"

Page 3, line 17, replace "8" with "9"

Page 3, line 22, remove "first two" and replace ", and is" with ". Subsection 3 of section 1 of this Act is effective for the first four taxable years beginning after December 31, 1994, and is"

Page 3, line 23, after the period insert "Subsection 4 of section 1 of this Act is effective for the taxable years beginning after December 31, 1998."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2187: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING). SB 2187 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2192: 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 2192 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and"

Page 1, line 4, after "43-12.1-15" insert ", and 43-17-02"

Page 1, line 15, after "~~43-12.1-13.2~~" insert "43-12.1-12" and remove the overstrike over the second overstruck comma

Page 3, line 26, remove "only those"

Page 4, line 4, after "includes" insert "the following acts, which may not be deemed to include acts of medical diagnosis or treatment or the practice of medicine as defined in chapter 43-17"

Page 4, line 8, after "and" insert "nursing"

Page 5, line 9, after "7." insert "Prescriptive practices means assessing the need for drugs, immunizing agents, or devices and writing a prescription to be filled by a licensed pharmacist."

8."

Page 6, line 27, remove the overstrike over "~~A person who is not licensed under this chapter and who renders~~"

Page 6, line 28, remove the overstrike over "~~assistance pursuant to chapter 23-27.~~" and replace "Persons who are licensed in" with:

"8. A person licensed or registered under this title and carrying out the therapy or practice for which the person is licensed or registered."

Page 6, remove line 29

Page 7, remove lines 1 and 2

Page 12, line 1, replace "including" with "and:"

a. Collaborate and consult with the appropriate nursing organizations and other affected parties in the establishment of the standards; and

b. Consult with the medical profession in the establishment of prescriptive practice standards for advanced practice registered nurses. Prescriptive practices must be consistent with the scope of practice of the advanced practice registered nurse. The scope of practice statement must include evidence of a collaborative agreement with a licensed physician for the review and acknowledgement of prescriptive practices. A joint rulemaking committee consisting of three members of the board and three members of the board of medical examiners shall develop rules governing prescriptive practices. The board shall implement the rules. After July 1, 1996, advanced practice registered nurses may prescribe

medications only within the parameters of the rules established under this subsection."

Page 12, after line 28, insert:

"19. Notify the board of pharmacy on an annual basis, or more frequent basis if necessary, of advanced practice registered nurses authorized to write prescriptions.

20. Adopt rules to allow nurses licensed by another state to receive short-term clinical education in North Dakota health care facilities."

Page 14, line 7, remove "once"

Page 15, line 1, replace "Successfully complete a nurse assistant" with "Provide verification of appropriate" and remove "program"

Page 15, line 2, remove "competency" and after "evaluation" insert "in the performance of basic nursing tasks"

Page 22, after line 5, insert:

"SECTION 16. AMENDMENT. Section 43-17-02 of the North Dakota Century Code is amended and reenacted as follows:

43-17-02. Persons exempt from the provisions of chapter. The provisions of this chapter do not apply to the following:

1. Students of medicine or osteopathy who are continuing their training and performing the duties of a resident in any hospital or institution maintained and operated by the state, an agency of the federal government, or in any residency program accredited by the accreditation council on graduate medical education.
2. Any physician residing on the border of a neighboring state and duly licensed under the laws thereof, who does not open an office or appoint a place to meet patients or to receive calls within this state.
3. The domestic administration of family remedies.
4. Dentists practicing their profession when properly licensed.
5. Optometrists practicing their profession when properly licensed.
6. The practice of Christian Science or other religious tenets or religious rules or ceremonies as a form of religious worship, devotion, or healing, if the person administering, making use of, assisting in, or prescribing, such religious worship, devotion, or healing does not prescribe or administer drugs or medicines and does not perform surgical or physical operations, and if he does not hold himself out to be a physician or surgeon.
7. Commissioned medical officers of the armed forces of the United States, the United States public health service, and medical officers of the veterans administration of the United States, in the discharge of their official duties, and licensed physicians from other states or territories if called in consultation with a person licensed to practice medicine in this state.

8. Doctors of chiropractic duly licensed to practice in this state pursuant to the statutes regulating such profession.
9. Podiatrists practicing their profession when properly licensed.
10. Any person rendering services as a physician's trained assistant, if such service is rendered under the supervision, control, and responsibility of a licensed physician and provided that the state board of medical examiners shall prescribe rules and regulations governing the conduct, activities, and supervision of physicians' trained assistants. Physicians' trained assistants may not be authorized to perform any services which must be performed by persons licensed pursuant to chapters ~~43-12~~ 43-12.1, 43-13, 43-15, and 43-28 or services otherwise regulated by licensing laws, notwithstanding the fact that medical doctors need not be licensed specifically to perform the services contemplated under such chapters or licensing laws.
11. A nurse practicing the nurse's profession when properly licensed by the North Dakota board of nursing."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2211: 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 2211 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "definition" with "definitions"

Page 5, line 17, replace "may" with "shall"

Page 5, line 18, after "teachers" insert "which are in conformity with policies established under law for teachers and other state employees and" and after the first "the" insert "policies and requirements of the department and the"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2233: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO NOT PASS (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2233 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2242, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (9 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). Engrossed SB 2242 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2251: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2251 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection 3 of"

Page 1, line 5, replace "Subsection 3 of section" with "Section"

Page 1, after line 6, insert:

"14-02.4-10. Employment of individual - Exceptions - Physical examination - Investigation of medical history.

1. Sections 14-02.4-03 through 14-02.4-06 do not apply to business policies or practices relating to the employment of an individual by the individual's parent, grandparent, spouse, child, or grandchild, or in the domestic service of a person.
2. The employment of one person in place of another, standing by itself, is not evidence of a discriminatory practice."

Page 1, line 12, overstrike "available employment" and insert immediately thereafter "the essential functions of the job with or without reasonable accommodations"

Page 1, after line 17, insert:

- "4. Medical history obtained under this section must be collected and maintained separate from nonmedical information and must be kept confidential."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2281: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO NOT PASS (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2281 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2296: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2296 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2320, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends DO NOT PASS (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2320 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2339: Agriculture Committee (Sen. Bowman, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2339 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "the" with ":

- a. The"

Page 1, line 15, overstrike the comma and remove "a farrow-to-finish hog operation,"

Page 1, line 16, remove "feedlot or other confined feeding operation, or" and overstrike "a" and insert immediately thereafter ":

- b. A farrow-to-finish hog operation if:

- (1) Owned by a for-profit corporation that is not a subsidiary corporation, and the corporation is incorporated in this state after July 31, 1995;
- (2) More than sixty percent of the shares or membership interests are held by residents of this state; and

(3) The operation does not exceed a total of one hundred sixty acres [64.75 hectares] plus any additional acreage required to meet state and federal laws relating to waste management;

c. A feedlot or other confined feeding operation if:

(1) Owned by a for-profit corporation that is not a subsidiary corporation, and the corporation is incorporated in this state after July 31, 1995;

(2) More than sixty percent of the shares or membership interests are held by residents of this state; and

(3) The operation does not exceed a total of one hundred sixty acres [64.75 hectares] plus any additional acreage required to meet state and federal laws relating to waste management; or

d. A"

Page 1, line 19, remove the overstrike over "~~Farming or ranching corporation" means a farm or ranch~~"

Page 1, remove the overstrike over lines 20 and 21

Page 2, remove the overstrike over lines 1 through 3

Page 2, line 4, remove the overstrike over "4-"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2350: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2350 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "to the city of Jamestown, North"

Page 1, line 3, remove "Dakota"

Page 1, line 6, remove "to the"

Page 1, line 7, remove "city of Jamestown, North Dakota,"

Page 1, remove lines 9 through 14

Page 1, line 15, replace "b." with "a."

Page 2, line 1, replace "c." with "b."

Page 2, remove lines 9 and 10

Page 2, line 11, replace "3." with "2."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2358, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING). Engrossed SB 2358 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2359: Natural Resources Committee (Sen. Traynor, Chairman) recommends

AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2359 was placed on the Sixth order on the calendar.

Page 2, line 17, after "harvesting" insert "fencing,"

Page 2, line 18, replace "growing crops unless any of these" with "agricultural activities."

Page 2, remove lines 19 and 20

Page 2, after line 25, insert:

"e. Normal repair and maintenance of track and track bed by a railroad on its own right-of-way."

Page 2, line 26, after "conducts" insert "commercial" and after "excavation" insert "activities and public entities conducting excavating activities"

Page 8, line 15, replace "Any" with "This subdivision does not apply to an" and remove ", which is"

Page 8, remove line 16

Page 8, line 17, remove "section"

Page 12, after line 2, insert:

"4. If an excavator damages underground facilities of an operator not required to comply with subdivision b of subsection 3 of section 4 of this Act, the operator may not recover civil damages or repair costs from the excavator."

Page 12, remove lines 9 and 10

Page 12, line 11, replace "2" with "1"

Page 12, line 15, replace "3" with "2"

Page 12, line 19, replace "4" with "3"

Page 12, line 22, after "law" insert "except as otherwise provided by subsection 4 of section 6 of this Act"

Page 12, line 26, replace "Section 8 of this" with "This"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2368: **Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends DO NOT PASS (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2368 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2378: **Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends DO NOT PASS (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2378 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2380: **Political Subdivisions Committee (Sen. Urlacher, Chairman)** recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2380 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2403: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2403 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2419: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2419 was placed on the Sixth order on the calendar.

Page 1, line 14, after "authority" insert ", by a two-thirds vote."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2423: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2423 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2432: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO NOT PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2432 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2434: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2434 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "An" with "Except as is otherwise provided by this chapter, an"

Page 1, line 20, after the underscored period insert "An out-of-state bank holding company that owned a subsidiary bank in this state on January 1, 1995, may acquire an interest in an existing state-chartered or national bank located in this state without regard to the period of time for which the bank has been in existence."

Page 2, after line 2, insert:

"New bank application. An out-of-state bank holding company that owned a subsidiary bank in this state on January 1, 1995, may organize a new state-chartered or national bank in this state."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2437: Appropriations Committee (Sen. Nething, Chairman) recommends DO NOT PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2437 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2446: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO NOT PASS (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2446 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2460, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2460 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2470: Political Subdivisions Committee (Sen. Urlacher, Chairman)

recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING).
SB 2470 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2471: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
SB 2471 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2512: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). SB 2512 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2513: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2513 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "ten" with "five"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2527: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2527 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2528: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2528 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2531: 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 2531 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "relating", replace "provide general definitions" with "the science of geology", and replace "to require that reports" with "the practice of geology."

Page 1, remove lines 2 and 3

Page 1, line 9, remove ", including the collection of specimens,"

Page 1, line 13, replace "outer limits" with "surface" and replace "earth's atmosphere" with "earth"

Page 1, line 15, remove ", provided that the knowledge and"

Page 1, remove line 16

Page 1, line 17, remove "bodies"

Page 2, line 1, remove "and continuous"

Page 2, line 2, after the first "of" insert "postbaccalaureate", after "training" insert "or employment", and replace "including" with "of which"

Page 2, line 4, after "degree" insert "may be applied to the record"

Page 2, remove lines 10 through 15

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2535: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2535 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 section 15-10-14.2 of the North Dakota Century Code, relating to the higher education seven-year plan.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-10-14.2 of the North Dakota Century Code is amended and reenacted as follows:

15-10-14.2. Higher education system review - Seven-year plan - Report to legislative assembly.

1. In each odd-numbered year, the state board of higher education shall meet with the legislative council and the governor or the governor's designee to solicit ideas and issues the council members and the governor believe are priority issues regarding the future of the system of higher education in this state.
2. In each even-numbered year, the state board of higher education shall present to the legislative council and the governor a seven-year comprehensive plan for the system of higher education in this state. The plan must describe the current and desired condition of the system, in light of the needs of faculty, administrators, and students, and must specifically describe:
 - a. The measures the board plans to take to ensure that the system of higher education meets the postsecondary education and training needs of the citizens and employers of the state.
 - b. The measures the board plans to take to improve the quality of higher education ~~for students~~, including defining and meeting student and institutional expectations regarding teaching and learning, the curriculum, the quality of campus life, and educational services.
3. The seven-year plan must contain the rationale of the state board of higher education for the items it has listed in the plan as top priority and the methods the board intends to take to address these top priority issues during the next seven years. The plan must describe what the citizens of the state can expect as a result of the board's actions, the cost or savings of those actions, and specific, detailed options for meeting any costs.
4. The state board of higher education shall report on the seven-year plan, including a report on how the funds proposed in the budget for the upcoming biennium will be used to implement the plan, to the legislative assembly at the organizational session."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4024: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4024 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "new large industries" with "major economic development projects"

Page 1, line 7, replace "new industries" with "major economic development projects"

Page 1, line 17, after "to" insert "determine the consequences of allowing political subdivisions to grant tax exemptions and to"

Page 1, line 19, after "occurred" insert "or may occur" and replace "the construction of a new plant which" with "a major economic development project"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SCR 4039: Education Committee (Sen. Freborg, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4039 was placed on the Tenth order on the calendar.

FIRST READING OF HOUSE BILLS

HB 1045: A BILL for an Act to amend and reenact section 15-65-02 of the North Dakota Century Code, relating to membership of the North Dakota educational telecommunications council.

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

HB 1146: A BILL for an Act to amend and reenact sections 23-29.1-15 and 23-29.1-16 of the North Dakota Century Code, relating to mandatory participation in the municipal waste landfill release compensation fund.

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

HB 1214: A BILL for an Act to amend and reenact sections 4-02-04, 4-02-08, 4-02-26, 4-02-27, 4-02-27.2, 4-02-27.3, 4-02-30, 11-23-09, 53-03-03, 53-04.1-04, 53-05-02, subsections 30 and 31 of section 57-15-06.7, and subsection 1 of section 57-15-06.8 of the North Dakota Century Code, relating to fairs, fair associations, carnivals, and amusements and property tax levies for fairs; and to repeal sections 4-02-03, 4-02-09, 4-02-11, 4-02-15, 4-02-32, 4-02-33, 4-02-34, and subsection 3 of section 57-15-06.7 of the North Dakota Century Code, relating to fairs.

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

HB 1217: A BILL for an Act to amend and reenact section 65-01-01 of the North Dakota Century Code, relating to the purposes of the workers' compensation law.

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

HB 1322: A BILL for an Act to create and enact a new section to chapter 15-12 of the North Dakota Century Code, relating to creation of a special fund to develop eighteenth street on the campus of North Dakota state university.

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

HB 1325: A BILL for an Act to create and enact a new section to chapter 15-29 and a new section to chapter 15-36 of the North Dakota Century Code, relating to contracts for the provision of classroom instruction; to amend and reenact subsection 10 of section 15-29-08, section

15-36-12, subsection 11 of section 15-39.1-04, sections 15-41-25 and 15-47-42 of the North Dakota Century Code, relating to teacher certification; and to provide an expiration date.

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

HB 1342: A BILL for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to agreements between the department of transportation and tribal governments; and to amend and reenact section 54-40.2-02 of the North Dakota Century Code, relating to agreements between public agencies and tribal governments.

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

HB 1407: A BILL for an Act to create and enact two new sections to chapter 43-11 of the North Dakota Century Code, relating to master esthetician, master manicurist and homebound licenses; and to amend and reenact sections 43-11-01, 43-11-21, subsection 1 of section 43-11-26, and subdivision a of subsection 1 of section 43-11-28 of the North Dakota Century Code, relating to cosmetology licenses and fees.

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

HB 1425: A BILL for an Act to create and enact a new section to chapter 6-05 of the North Dakota Century Code, relating to deposit of trust funds awaiting investment or distribution in affiliates.

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

HB 1433: A BILL for an Act to amend and reenact section 15-10-14.2 of the North Dakota Century Code, relating to the higher education system long-term plan.

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

HB 1435: A BILL for an Act to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to the authority of the legislative council; and to amend and reenact sections 54-03-02 and 54-03-02.1 of the North Dakota Century Code, relating to reconvened sessions of the legislative assembly.

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

HB 1436: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12.1-23-05 of the North Dakota Century Code, relating to theft offenses that are class C felonies.

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

HB 1438: A BILL for an Act to amend and reenact section 6-08-16.1 of the North Dakota Century Code, relating to issuing a check or draft without an account; and to provide a penalty.

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

HB 1440: A BILL for an Act to amend and reenact section 57-38-03, subsection 4 of section 57-38-04, and section 57-38-05 of the North Dakota Century Code, relating to the application of income taxes to gaming income; and to provide an effective date.

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

HB 1450: A BILL for an Act to amend and reenact subsection 14 of section 57-01-02 of the North Dakota Century Code, relating to authority of the tax commissioner to reduce tax liability based on a federal offer and compromise.

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

HB 1451: A BILL for an Act to amend and reenact sections 27-08.1-01 and 27-08.1-02 of the North Dakota Century Code, relating to actions in small claims court.

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

HB 1458: A BILL for an Act to amend and reenact subsection 1 of section 27-08.1-01 and section 27-08.1-03 of the North Dakota Century Code, relating to small claims court.

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

HB 1463: A BILL for an Act to create and enact a new section to title 12.1 of the North Dakota Century Code, relating to willful failure to pay child support; to amend and reenact section 14-07-15 of the North Dakota Century Code, relating to abandonment or nonsupport of a child; and to provide a penalty.

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

HB 1473: A BILL for an Act relating to limitations on loans by the Bank of North Dakota and disclosure of interests in loans by members of the industrial commission.

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

HB 1474: A BILL for an Act to amend and reenact section 5-01-05.1 of the North Dakota Century Code, relating to public intoxication.

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

HB 1483: A BILL for an Act to amend and reenact section 40-18-15.1 of the North Dakota Century Code, relating to the transfer of municipal court cases to district court.

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

HB 1484: A BILL for an Act to create and enact two new subsections to section 43-41-10 of the North Dakota Century Code, relating to disciplinary actions of the North Dakota board of social work examiners.

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

HB 1488: A BILL for an Act to amend and reenact sections 15-34.1-06 and 15-34.1-07 of the North Dakota Century Code, relating to home-based instruction.

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

HB 1489: A BILL for an Act to create and enact five new subsections to section 54-06-25 of the North Dakota Century Code, relating to the election of members, posting of election requirements, and eligibility of candidates for the state employees compensation commission; to amend and reenact subsection 2 of section 54-06-25 of the North Dakota Century Code, relating to eligibility to vote and eligibility of candidates for election to the state employees compensation commission; and to declare an emergency.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3013: A concurrent resolution urging Congress to repeal those sections of a recently passed federal mandate requiring a percentage of federal highway funds be transferred from states that do not enact statutes requiring the use of helmets by motorcyclists.

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

HCR 3016: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing a community notification process by which communities would be informed of the release of a

convicted sexual offender and of persons charged with or convicted of sexual offenses.

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

HCR 3017: A concurrent resolution urging Congress and the President to reject federal mandates that violate the spirit of the Tenth Amendment to the Constitution of the United States.

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

HCR 3019: A concurrent resolution urging all public and private institutions of higher education in the state to take action with respect to assisting rape victims and publicizing rapes that occur on college or university campuses.

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

HCR 3020: A concurrent resolution urging the Governor to recognize the North Dakota Interagency Coordinating Council's concerns relating to the health care needs of children and that any health care reform should ensure that children and families with special needs have access to physical and emotional health care.

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

HCR 3021: A concurrent resolution directing the Legislative Council to study the issues and concerns relating to fetal alcohol syndrome.

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

HCR 3022: A concurrent resolution directing the Legislative Council to study the structure and function of local public health units.

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

HCR 3025: A concurrent resolution to acknowledge the one hundredth anniversary of the founding of the chiropractic profession and the significant contribution that chiropractic has made to the health and welfare of Americans.

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

HCR 3026: A concurrent resolution urging the State Board of Higher Education to continue collaborative activities with respect to a statewide delivery system, program enhancement, technological advancement, and reduction in duplicative programming and administrative services.

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

HCR 3027: A concurrent resolution urging the President and the Congress of the United States to continue daily Amtrak service to North Dakota, to improve Amtrak's ability to compete with other carriers, and to provide for a strong Amtrak system as part of any national transportation system.

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

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

William C. Parker, Secretary