

## JOURNAL OF THE SENATE

## Fifty-fourth Legislative Assembly

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Bismarck, March 30, 1995

The Senate convened at 8:00 a.m., with President Myrdal presiding.

The prayer was offered by Pastor Brent Braunberger, Assembly of God, Harvey.

The roll was called and all members were present.

A quorum was declared by the President.

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to Engrossed SB 2003 as printed on SJ pages 1331-1333 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

## APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2003: Sens. Naaden, Nalewaja, Lindaas.

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to SB 2006 as printed on SJ pages 1385-1386 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

## APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2006: Sens. Streibel, Solberg, Lindaas.

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2009 as printed on SJ pages 1334-1337 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

## APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed SB 2009: Sens. Solberg, Naaden, Redlin.

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. URLACHER MOVED that the Senate do concur in the House amendments to Reengrossed SB 2350 as printed on SJ pages 1308-1309.

## MOTION

SEN. GOETZ MOVED that the question be put at 8:35 a.m., which motion prevailed.

## REQUEST

SEN. MATHERN REQUESTED a recorded roll call vote on the motion to concur in the House amendments to Reengrossed SB 2350, which request was granted.

## ROLL CALL

The question being on the motion to concur in the House amendments to Reengrossed SB 2350, the roll was called and there were 25 YEAS, 24 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg;

St. Aubyn; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne

**NAYS:** Andrist; Bowman; Christmann; DeMers; Freborg; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Stenehjem, B.; Tomac; Wogsland; Yockim

The Senate concurred in the House amendments to Reengrossed SB 2350. Reengrossed SB 2350, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2350:** A BILL for an Act to authorize the director of the department of human services to convey certain state-owned land to the city of Jamestown, North Dakota.

#### MOTION

**SEN. GOETZ MOVED** that the question be put, which motion prevailed.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 29 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Bowman; DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Stenehjem, B.; Tomac; Yockim

Reengrossed SB 2350, as amended, passed and the title was agreed to.

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#### APPOINTMENT OF CONFERENCE COMMITTEE

**SEN. NETHING MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1001, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1001: Sens. Goetz, Nething, Mushik.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**SEN. NETHING MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1002, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1002: Sens. Nething, Traynor, Tallackson.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**SEN. NETHING MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1005, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1005: Sens. Solberg, Nething, Mushik.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**SEN. NETHING MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1006, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1006: Sens. Naaden, St. Aubyn, Redlin.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. NETHING MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1007, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1007: Sens. Streibel, Holmberg, Robinson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. NETHING MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1013, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1013: Sens. Nething, Nalewaja, Tallackson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. NETHING MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1019, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1019: Sens. Holmberg, Naaden, Lindaas.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. NETHING MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1021, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1021: Sens. Goetz, Streibel, Robinson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. KREBSBACH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1284, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1284: Sens. W. Stenehjem, Grindberg, Heinrich.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. URLACHER MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1317, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1317: Sens. Thane, Watne, LaFountain.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. W. STENEHJEM MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1439, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1439: Sens. W. Stenehjem, Traynor, C. Nelson.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 11:00 a.m., which motion prevailed.

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

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2003, SB 2006, and SB 2009 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2003: Sens. Naaden; Nalewaja; Lindaas  
 SB 2006: Sens. Streibel; Solberg; Lindaas  
 SB 2009: Sens. Solberg; Naaden; Redlin

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

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1001: Sens. Goetz; Nething; Mushik  
 HB 1002: Sens. Nething; Traynor; Tallackson  
 HB 1005: Sens. Solberg; Nething; Mushik  
 HB 1006: Sens. Naaden; St. Aubyn; Redlin  
 HB 1007: Sens. Streibel; Holmberg; Robinson  
 HB 1013: Sens. Nething; Nalewaja; Tallackson  
 HB 1019: Sens. Holmberg; Naaden; Lindaas

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

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1021: Sens. Goetz; Streibel; Robinson  
 HB 1284: Sens. W. Stenehjelm; Grindberg; Heinrich  
 HB 1317: Sens. Thane; Watne; LaFountain  
 HB 1439: Sens. W. Stenehjelm; Traynor; C. Nelson

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

MR. SPEAKER: The Senate has passed unchanged: HCR 3010, HCR 3013, HCR 3016, HCR 3025, HCR 3030, HCR 3033, HCR 3039, HCR 3040.

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

MR. SPEAKER: The Senate has failed to pass: HCR 3012, HCR 3041.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1152, HB 1178.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2350.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1014 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1014: Reps. Howard; Tollefson; Laughlin

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

MADAM PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2428: Reps. Dewitz; Bateman; Laughlin

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

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HCR 3009.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1221, HB 1250.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1210, HB 1386.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently failed to pass: HB 1260.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2499.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2499

Page 1, line 1, replace "23" with "26.1"

Page 1, line 2, after "cooperatives" insert "; and to provide a penalty"

Page 1, line 4, replace "23" with "26.1"

Page 1, line 9, after "provide" insert "health care"

Page 1, remove lines 10 and 11

Page 1, line 12, replace "4" with "3"

Page 1, line 13, replace "market" with "provide"

Page 1, line 15, replace "5" with "4" and after "or" insert "an"

Page 2, line 12, remove "- Network limitations - Restraint of trade"

Page 2, line 13, remove "marketing and"

Page 2, line 18, remove "any other purchaser, including" and replace ", state agencies and institutions," with "medical assistance program. Each purchaser may execute contracts for the purchase of health"

Page 2, remove line 19

Page 2, line 20, remove "purchase of health care", remove "care", and after "provider" insert "cooperative in accordance with this section. A contract between a health provider cooperative and a purchaser must provide for payment by the purchaser"

Page 2, line 21, after the period insert:

1. Every contract between a health provider cooperative and a purchaser must be in writing and must provide that if the purchaser fails to pay for health care services as set forth in the contract, the enrollee is not liable to the provider for any sums owed by the purchaser.
2. A member provider, agent, trustee, or assignee thereof, may not maintain any action at law against an enrollee to collect sums owed by the purchaser.

**Contract filing - Approval."**

Page 2, line 23, remove "may not approve more than two"

Page 2, line 24, remove "contracts before July 1, 1997, and" and replace "in" with ":

## 1. In"

Page 2, line 26, after the period insert:

- "2. That fails to include evidence of the specific procedures used to inform prospective enrollees of any limitations imposed on the enrollee's right to receive care from a health provider of the enrollee's choice.
3. Under which a health provider cooperative assumes a corridor of risk greater than fifteen percent in its first year of operation, or greater than thirty percent in any year thereafter."

Page 2, line 27, replace "A health provider" with "The commissioner may adopt rules implementing this section."

Page 2, remove lines 28 and 29

Page 3, remove lines 1 and 2

Page 3, line 3, replace "care" with "provider"

Page 3, line 15, replace "care" with "provider"

Page 3, line 16, remove "care"

Page 3, line 18, remove "care"

Page 3, line 20, remove "care"

Page 3, line 21, remove "care" and remove "state"

Page 3, line 22, replace "health council" with "commissioner"

Page 3, line 24, replace "health council" with "commissioner"

Page 3, line 25, remove "care"

Page 3, line 28, replace "health council" with "commissioner"

Page 4, line 3, after "practices" insert "- Penalty"

Page 4, after line 20, insert:

- "4. It is unlawful for any health provider cooperative to refuse membership to any licensed health care provider or organization that applies for membership and that otherwise agrees to the membership requirements of the health provider cooperative.
5. Any person violating subsections 1 through 4 is deemed to have committed a violation of chapter 51-08.1 and is subject to the provisions, procedures, and penalties of that chapter."

Renumber accordingly

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

**MADAM PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2305.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2305**

Page 3, line 7, after the period insert "Any moneys generated by the farm

management delivery system must be allocated by the board to the adult farm management program, the agricultural mediation services, and North Dakota state university for expenses related to the jointly developed and implemented farm management delivery system. The board may not allocate more than forty percent of these moneys to any one of these entities."

Renumber accordingly

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

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2008, SB 2019, SB 2063.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2008**

Page 1, line 2, after the semicolon insert "to provide for a legislative council study;"

Page 1, line 13, replace "4,235,158" with "4,135,158"

Page 1, line 14, replace "983,945" with "1,028,054"

Page 1, line 18, replace "9,959,008" with "9,903,117"

Page 1, line 20, replace "3,328,408" with "3,272,517"

Page 1, after line 20, insert:

**"SECTION 2. LEGISLATIVE COUNCIL STUDY.** The legislative council shall study, during the 1995-96 interim, the services provided by the public service commission, their cost and effectiveness, and the need for continuing the services as a result of regulatory changes at both the state and federal level."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 408 - PUBLIC SERVICE COMMISSION

HOUSE - This amendment makes the following changes:

	SENATE VERSION	REMOVE POSITION FUNDING <sup>1</sup>	INCREASE PROFESSIONAL SERVICES <sup>2</sup>	OTHER CHANGES	TOTAL CHANGES	HOUSE VERSION
Salaries and wages	\$4,235,158	\$(100,000)			\$(100,000)	\$4,135,158
Operating expenses	983,945		\$50,000	\$(5,891) <sup>3</sup>	44,109	1,028,054
Equipment	167,500					167,500
Grants	20,000					20,000
AML contractual services	<u>4,552,405</u>					<u>4,552,405</u>
Total	\$9,959,008	\$(100,000)	\$50,000	\$(5,891)	\$(55,891)	\$9,903,117
General fund	\$3,328,408	\$(100,000)	\$50,000	\$(5,891)	\$(55,891)	\$3,272,517
Special funds	<u>6,630,600</u>					<u>6,630,600</u>
Total	\$9,959,008	\$(100,000)	\$50,000	\$(5,891)	\$(55,891)	\$9,903,117
FTE	45				0	45

<sup>1</sup> Removes funding for one undesignated position.

<sup>2</sup> Restores funding reduced by the Senate for employing experts and other assistance for regulating public utilities. A total of \$100,000 is provided for these services.

<sup>3</sup> Removes funding for the commission's toll-free WATS line.

A section is added directing a Legislative Council study of services provided by the Public Service Commission.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2019**

Page 1, line 15, replace "\$29,281,000" with "any amount transferred to the general fund pursuant to legislative authorization"

Page 1, line 16, remove "transferred to the general fund"

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 085 - PAYMENTS TO POLITICAL SUBDIVISIONS

HOUSE - This amendment removes the reference to a specific dollar amount that is to be transferred to the general fund.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2063**

In lieu of the amendments adopted by the House as printed on page 1262 of the House Journal, Engrossed Senate Bill No. 2063 is amended as follows:

Page 1, line 3, remove the first "and"

Page 1, line 6, after "students" insert "; and to provide legislative intent"

Page 9, after line 11, insert:

**"SECTION 7. LEGISLATIVE INTENT.** It is the intent of the legislative assembly that the amount included in the grants - special education line item in subdivision 1 of section 1 of Senate Bill No. 2013 be distributed as follows:

1. Ten million dollars must be used to reimburse school districts for excess costs incurred on contracts for students with disabilities as required in section 15-40.2-08 and for low incidence or severely disabled students as required in sections 15-59-06 and 15-59-07, and for boarding care reimbursements as required in section 15-59-07.2;
2. Four hundred thousand dollars must be used to reimburse school districts for gifted and talented programs upon the submission of an application that is approved in accordance with guidelines adopted by the superintendent of public instruction;
3. Five hundred thousand dollars must be used to reimburse school districts with above-average incidence of moderately or severely disabled students upon the submission of an application that is approved in accordance with guidelines adopted by the superintendent of public instruction;
4. Any amount remaining in the line item must be distributed on a per student basis as required by law, except that during the 1995-96 school year a school district or special education unit may not receive less than ninety-five percent of the amount received during the 1993-94 school year from state special education funds, excluding reimbursements for student contracts, boarding care, and gifted and talented programs.

During the 1996-97 school year a district or special education unit may not receive less than ninety percent of the amount received during the 1993-94 school year from state special education funds, excluding reimbursements for student contracts, boarding care, and gifted and talented programs."

Re-number accordingly

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

MADAM PRESIDENT: The House has passed unchanged: SCR 4064.

**REPORT OF STANDING COMMITTEE**

SB 2067: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2067 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for recognition of tribal-state gaming compacts, to create an open records exception for tribal gaming financial information submitted to a state agency, and to provide for approval of amendments to tribal-state gaming compacts."

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

**SECTION 1. Devils Lake Sioux Tribe gaming compact.** The legislative assembly recognizes the gaming compact entered into under the Indian Gaming Regulatory Act of 1988 [Pub. L. 100-497, 102 Stat. 2467; 25 U.S.C. 2701 et seq.] between the state and the Devils Lake Sioux Tribe on October 7, 1992, and the parimutuel racing addendum to that compact entered into on April 8, 1993.

**SECTION 2. Three Affiliated Tribes gaming compact.** The legislative assembly recognizes the gaming compact entered into under the Indian Gaming Regulatory Act of 1988 [Pub. L. 100-497, 102 Stat. 2467; 25 U.S.C. 2701 et seq.] between the state and the Three Affiliated Tribes on October 7, 1992, and the parimutuel racing addendum to that compact entered into on April 14, 1993.

**SECTION 3. Standing Rock Sioux gaming compact.** The legislative assembly recognizes the gaming compact entered into under the Indian Gaming Regulatory Act of 1988 [Pub. L. 100-497, 102 Stat. 2467; 25 U.S.C. 2701 et seq.] between the state and the Standing Rock Sioux on August 31, 1992.

**SECTION 4. Turtle Mountain Band of Chippewa gaming compact.** The legislative assembly recognizes the gaming compact entered into under the Indian Gaming Regulatory Act of 1988 [Pub. L. 100-497, 102 Stat. 2467; 25 U.S.C. 2701 et seq.] between the state and the Turtle Mountain Band of Chippewa on October 9, 1992, and the parimutuel racing addendum to that compact entered into on April 8, 1993.

**SECTION 5. Sisseton-Wahpeton Sioux Tribe gaming compact.** The legislative assembly recognizes the gaming compact entered into under the Indian Gaming Regulatory Act of 1988 [Pub. L. 100-497, 102 Stat. 2467; 25 U.S.C. 2701 et seq.] between the state and the Sisseton-Wahpeton Sioux Tribe on December 9, 1992, and the parimutuel racing addendum to that compact entered into on May 5, 1994.

**SECTION 6. Tribal gaming records not subject to disclosure - Exceptions.** Except as provided in each tribal gaming compact and except as specified in this section, all tribal gaming records, including trade secret and proprietary information as defined in section 44-04-18.4, submitted to an agency of this state are confidential and are not public records subject to section 44-04-18 and section 6 of article XI of the Constitution of North Dakota. The following tribal gaming records submitted to an agency of this state are subject to section 44-08-18 and section 6 of article XI of the Constitution of North Dakota:

1. Any independent auditor's report, except for specific financial information contained in the auditor's report.

2. Any casino compliance inspection report or other report concerning compliance with the tribal gaming compact, except for specific financial information contained in the report.

**SECTION 7. Set-aside percentage of tribal gaming proceeds - Disclosure of audit reports.** Any audit report submitted by a tribe to an agency of this state containing information on the use and compliance of the tribe's set-aside percentage of gaming revenue to economic development and social welfare purposes is open to the public, except for specific financial information contained in the audit report. With the consent of the tribe, an agency of this state may open to the public information contained in the audit report which sets forth specific amounts devoted by the tribe to social welfare and economic development purposes.

**SECTION 8. Tribal-state gaming compact - Amendments.** A tribal-state gaming compact executed before the effective date of this Act may not be amended unless the proposed amendment is submitted to the legislative council for approval. If the legislative assembly is in session when the proposal is submitted, the proposal must be submitted to the legislative assembly for approval by concurrent resolution. The legislative council or the legislative assembly must act on the proposal within the time required in the relevant compact. Any proposed amendment to a compact not acted upon by the legislative council or legislative assembly within the time specified in the compact is deemed approved by the legislative council or legislative assembly."

Renumber accordingly

#### CONSIDERATION OF AMENDMENTS

SB 2067: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments as printed above be adopted and then be placed on the Eleventh order with DO PASS.

#### REQUEST

SEN. MATHERN REQUESTED that the Senate divide the amendments to SB 2067, which request was granted.

#### DIVISION A

SECTION 1

#### DIVISION B

SECTION 2

#### DIVISION C

SECTION 3

#### DIVISION D

SECTION 4

#### DIVISION E

SECTION 5

#### DIVISION F

SECTION 6

#### DIVISION G

SECTION 7

#### DIVISION H

SECTION 8

Renumber and correct the title accordingly

**REQUEST**

SEN. MATHERN REQUESTED a recorded roll call vote on Divisions A through H of the proposed amendments to SB 2067, which request was granted.

**REQUEST**

SEN. BOWMAN REQUESTED that the remarks of Sen. Traynor be printed in the Journal.

**REQUEST**

SEN C. NELSON REQUESTED that the remarks of all senators debating the amendments to SB 2067 be printed in the Journal.

**ANNOUNCEMENT**

PRESIDENT MYRDAL ANNOUNCED that all remarks concerning the adoption of the amendments to SB 2067 will be printed in the Journal.

**REMARKS OF SENATOR W. STENEHJEM**

Thank you, Madam President, and members of the Senate. The amendments of this bill are rather extensive, so I'll take just a few moments of the Senate's time to explain the amendments out of the Judiciary Committee. This bill comes to us from the Interim Judiciary Committee which studied the topic of gaming and casino gambling over the course of the last interim. It was during that study that members delved into the compact arranged by the former Governor with the tribal governments in the State of North Dakota and we learned at that time that part of these compacts provides a certain record that would be given by the casinos to the state government. However, those records were stated to be confidential, that is, they are secret, and so when the committee asked to see them the Attorney General's representative said we could not have them. Remember, these are records that are filed with our government and are right here in this capitol building, as we speak. We are not talking about records in anyone's private hands. This caused a great deal of concern on the part of the committee members because the North Dakota Constitution says all records of the government are open to the public unless specifically closed by law. The committee concluded that since there is no specific law closing these records from the public they are therefore open. This set up the dispute that we have before us, because questions arose. For example, did the Governor have the authority to negotiate these compacts in the first place? While congress, under the Indian Gaming Regulatory Act, requires the state to negotiate in good faith on these compacts, it doesn't say who in the state shall do so - the Governor, the Attorney General, what about the Legislature? It certainly does not allow any of us, not the Governor, not the Attorney General, or the Legislature to ignore our own Constitution, which we have taken an oath to uphold. On the other hand, tribal governments had invested a considerable amount of time and resources in establishing casinos in North Dakota, and regardless of how one may feel about gambling, much good has come about in the forms of jobs and other opportunities. So with all these questions, in an effort to forestall any problems, the interim committee decided unanimously, Republicans and Democrats alike, to recommend Senate Bill No. 2067 for introduction to this session of the Legislature. What the bill did in its original form was to accept all of the compacts except it said we in the Legislature will maintain our Constitutional authority to decide what records will be opened to the public and what records, if any, will be closed. That is our prerogative and no one but the people of North Dakota can take it away from us, not the Governor by contract, not the Attorney General by rule. Some have argued, however, that since the 1993 session of the Legislature came and went and we didn't study the issue until the following interim, the Constitution doesn't apply any more. Well, Madam President, members of the Senate, I believe our Constitution is more enduring than that. The Constitution applies today, and tomorrow, and next session, and always. In keeping with our duty as Legislators the Judiciary Committee issued subpoenas to the Attorney General and to the Governor to bring these records to our committee. Although both appeared, they did not bring those records with them. Part of the argument was these records are trade secrets, and they are proprietary information. Meetings, discussions, and negotiations ensued though no formal resolution

has resulted. The Judiciary Committee decided to scale back considerably on its request and that brings us to the amendments to Senate Bill No. 2067. The original bill as I mentioned ratified, or would have sought to ratify, all of the compacts as they exist, except for any records that are on file with the state government. What the amendments do, rather than use the term ratify, is to recognize the five compacts that exist, together with any amendments to them that have been negotiated to date, and that's what sections 1 through 5 of the amendments you have before you will do. The bill grants trade secrets and proprietary information status to specific financial records which, if this bill passes, would be closed. That issue would be settled. What is not closed under these amendments are the independent audit reports which are required by the compacts and which are submitted to the state. Not closed, as well, are audits showing compliance with the set-aside requirements of the compact except for the provisions in either of them that contain specific financial information. This, in my view, is the absolute minimum that is necessary so that we can fulfill our role as legislators of providing check and balances on the executive branch of government. Finally, the last section of the bill provides that future amendments to these compacts will be subject to approval by the legislative assembly if we are in session, or by the legislative council if we are not in session. These compacts, I remind the members of the Senate, expire in 10 years. So in 2002, which is only seven years from now, they must be renegotiated. We have to address that issue and after we act on this bill we will have Senate Concurrent Resolution No. 4012, which seeks a study of the issues so that we can determine what we are going to do in the future as these compacts expire. The amendments that we have before us, Madam President, Members of the Senate, is as reasonable an approach as I could think of, without abrogating what I see as our role in this government. The Judiciary Committee by a vote of three to two urges first the adoption of these amendments and then passage of the bill.

#### REMARKS OF SENATOR C. NELSON

Thank you, Madam President, members of the Assembly. I was obviously one of those two, and my main problem with this particular set of amendments is in section 6 and in section 7. The Attorney General's office has informed me that these two sections violate the compact. They make the independent auditors' report an open record, but yet these were entitled to be confidential underneath the compact. Financial and commercial records are confidential. This is not a form or a record compiled by the AG's office; this is a record done by the auditor, the independent auditor. It is a tribal record, not an attorney general's record. Of the five tribes, only two tribes, Fort Totten and Turtle Mountain, have signed waivers for us to see part of that audit. Standing Rock refused. The Three Affiliated Tribes have not had an independent audit. The waiver given was for a one-time basis in a response to the subpoena and to be used by committee members. It was not meant to be a permanent waiver for complete open records. Section 7 also deals with the audit. Again, it is the tribe's document, covered under the compact, and those things are confidential. One other comment that I heard this morning, and I hope you heard it also. This whole thing started over who is the state, and when we were discussing the Jamestown property this morning the question was asked, "Who is the state?" "Whom are we negotiating with?" The chairman of the Appropriations Committee said that the state was the executive branch of government. The executive branch of government in the first place put this compact together. I do not see how the state for one thing can be the executive branch and state for something else then somebody else. I think we here, too, need to be consistent. I would hope you resist these amendments and also the bill.

#### REMARKS OF SENATOR MATHERN

Thank you, Madam President, these are very significant amendments. I would ask that there be a division when we get to voting on the amendments, and that there be a recorded roll call vote on each division. The divisions, as I see them, would be on each section of the bill as outlined by the amendments handed out by the Senator from District 42. Each section, I believe, stands on its own and can be seen as a division.

**REMARKS OF SENATOR WATNE**

Madam President, it has been a very long and hard process for your Judiciary Committee to come this point. We have heard a lot of testimony, and we have even been subjected to personal and emotional assault. I commend our chairman for his long and hard hours of negotiations and perseverance to get to this point. This compromise, although not perfect, does solve some of my questions. First, there was the main question. Did the Governor have the authority to enter into these compacts without legislative authority? I believe not. Second, can the records, all of the records, be closed contrary to the established laws by the Governor? I believe not. Third, if the compact says that percentages of the profits will go for economic development and social welfare purposes on the reservations, how do we know that is being done, and how does that affect the legislation that we undertake in those areas? Do they need the money or is it better spent elsewhere? As a Senator, I took an oath of office to uphold our Constitution which includes the separation of the powers of the branches of government. We make the laws, not the Governor. I believe that approval of the amendments solidifies these compacts saying that the Governor and the legislature are behind them. Approval of these amendments specifies which records are closed and it protects specific information the tribes do not want open. It is the same for business trade secrets and proprietary information in our state and it conforms to present laws. It gives access to information on where some of the proceeds are spent so we can make informed decisions on economic development and social welfare legislation to help the tribes. We are upholding our oath of office to keep that balance of power of the branch division responsibilities. These gaming funds are a wonderful opportunity for Native Americans to improve conditions on the reservation. I think every member of the tribe should take personal responsibility to ensure that those funds are being used wisely, as we are doing here by these amendments.

**REMARKS OF SENATOR METHING**

Madam President, I did not intend to enter into this debate, but, in as much as I was brought into it, I did not really want to go back over this morning's debate either. However, I believe what I did say to this body was that the state is the executive branch of government after the legislature sets the policy which, in the particular case we were talking about, was legislation authorizing the bill.

**REMARKS OF SENATOR LAFOUNTAIN**

Madam President and members of the Senate, no one in this body can imagine, I guess, what I am thinking, what I have observed in this process, and somehow I am trying to make some rationale out of everything. It is very difficult, but my hope is not in trying to convince this body that disagreement is a violation of a compact. The integrity of this body is at stake in our government, but my comments are to the people above us, to the people of this state, the future of the state. There are honorable people in this process and these amendments are violating an agreement. These amendments, if you look at them, are part of something that was made in an agreement in 1992 with the Governor of this state. That agreement was made with four independent tribes, the Turtle Mountain Chippewas, the Three-Affiliated Tribes, the Standing Rock Sioux Tribe, and the Devils Lake Sioux Tribe, independent governments. I listened on this floor two days ago to senators talk about the situation with the federal government making a promise to the state of North Dakota with the Garrison Diversion, and I understood what that Senator was saying, when he said there was an agreement that was made and was broken. I understand they had an agreement but my thoughts were not of Devils Lake, but of the Three-Affiliated Tribes. The people gave up so much for that project. Madam President, members of this Senate, what we are asking for is the state to take the big brother approach to these tribes. We get down on the federal government for their mandates but we are trying to have oversights. I sat in this committee on other bills, and I see the same Judiciary Committee close records that belong to this state that are financial information, trade secret information. They have been open in this state for 21 years. I cannot understand the contradictions we make. Madam President, on February seventh the Governor of our state and the

Attorney General of our state came in with their counsel and pointed out all the reasons why these compacts are legal and binding and for us to go in and break those compacts will send us into court. I opposed it then and I oppose it now. There are statutes for the Governor and the executive branch to make agreements with the tribes and other agencies, and it's done. There are statutes that talk about agreements where secrets can be kept confidential with state agencies when there is federal involvement. The Federal Regulatory Act is federal involvement. Madam President, I would think that these amendments are not in the best interests of the state of North Dakota and I would hope that this body would not adopt these amendments.

#### REMARKS OF SENATOR WOGSLAND

Thank you, Madam President and members of the Senate. I, too, rise to oppose the amendments we have before us. We have heard a lot of arguments today about constitutionality and all of the other arguments that tend to try to favor this bill. What we have before us is not the constitutionality. What we have before us is not a fight about the legislative or executive. What we have before us, quite frankly, is a bill out of the interim committee that is being changed. The arguments that we raised back in January in the first week of this legislative session are the same as we have right now on the 61st legislative day. Those arguments are that we have a bill which we had before that Judiciary Committee that did not have to go into all of the issues that it has dug into. It did not have to have subpoenas and it did not have to have all the things that we have gone through. It did not have to sit here for 61 days putting people on the edge of their chairs. What we have here is rules that have been ignored by the Senate. We have had statutes that, in my opinion, have been ignored when we went into this. We have had the chair overruled because clearly the chair thought as we did; that we did not have to do this in terms of the subpoenas. None the less, here we are on the 61st day going after it once again. I think the damage that has been done to the legislative branch of government and tribal relations may be irreparable. I think that all the amendments really do is justify the acts that have been previously taken. I do not think that is right. I have wondered, Madam President and members of the Senate: Why are we doing this? What is the motivation here? Political perhaps? Jealousy between gambling entities within this state - perhaps? Or is it micromanagement, which is about the only plausible explanation that I have heard; and I heard that on the Senate floor today in debate in favor of these amendments. Micromanagement of a sovereign nation: We do not tell Canada how to run its affairs, we do not tell South Dakota how to run their affairs, and yet we are going to sit down and tell the tribal governments of this state, that are living with us and working with us in this state, how to manage our affairs? I do not think so. I do not think that is good public policy for the people of North Dakota. I hope you will reject this amendment and I hope we reject this bill because I do not think that the state of North Dakota has been served well in any capacity by us getting into this issue.

#### REMARKS OF SENATOR TRAYNOR

I live in an area very close to a large casino enterprise on the Devils Lake Sioux Reservation, and I have seen the benefits of the new industry in our community and on the reservation. For instance, the Little Hoop Community College at Fort Totten receives support for most of its programs from the tribal casino, and also the industries located at Fort Totten have received help from the casino income in a very difficult transitional period. The economic benefits to the city where I live have been very significant. I think it is a good thing that these people now have an opportunity that they never had before. However, I feel that the amendments to Senate Bill No. 2067 that we will soon vote upon are an improvement, first because this represents the culmination of several months of negotiation between the legislative branch, the executive branch, and the tribal governments. So many of the provisions have the agreement of the various interested parties. With regard to the language of Section 8, I have received oral assurances from representatives of the Governor's office and also of the tribal governments that if there is any amendment to the present compact, the Legislature will be involved in that process. Therefore, I do not see any

reason why we should not put this into law. As far as the provisions of Section 6, which would give additional information regarding the casino programs, I think that we have overlooked something here. This is not an attempt on the state to intrude upon the business of the casinos; this I view as an effort by the state to help the Indian people.

When the slot machines came into the reservations, there was no monitoring and there was no leasing of that operation. Now, however, that has improved and the policing is in effect and hopefully beneficial. When you have an industry like gaming, the temptations are very high because there is just an awful lot of money in the arenas. The temptations are there for the players and for the operators of the casino games. There is also the threat of other entities coming into the state and managing these games for their own benefit and not for the benefit of the Native people.

One of the previous speakers asked what is the motivation? What is the motivation of these amendments and what is the motivation of Senate Bill No. 2067? I think the answer is this - these people living on the reservation are not only tribal members; they are citizens of the state of North Dakota, and North Dakota is interested in their welfare and their well-being.

To paraphrase our Constitution, government is instituted for the protection, security, and benefit of the people, and now I am addressing the Indians. The state is interested in your welfare, Native Americans, and we ask that you give us enough information so that we can help you and not be subverted or betrayed by other interests. This is an opportunity to do that. I think it is a good opportunity for a new era of understanding between our Native Americans and the state of North Dakota, and I encourage you to vote for the amendments.

#### REMARKS OF SENATOR G. NELSON

Madam President, I would like to take issue with, and strongly object to, some of the comments made by the minority leader. The minority leader stood on the floor and said there are rules that have been ignored. Well, Madam President, we have not ignored rules on this issue. There are no statutes that have been ignored. There was a disagreement on a ruling by the chair, but what followed was followed by the rules of the Senate; the disagreement was settled, and we went on with the business of the Senate. Why has this bill been here for 61 days? The bill has been in the Senate for 61 days because the chairman of the Judiciary Committee has gone far and beyond what would be expected of the chairman of a committee to negotiate and try to find a way where all parties can agree to what is in this bill. It was not successful. It is the 61st day and it is now time for us to take a look at this bill, pass the amendments, and then pass the bill.

#### REMARKS OF SENATOR MATHERN

Thank you, Madam President, the comments made by the Senator from District 15, to me, are very appropriate comments. I think those comments I echo and they say to me what we ought to do is vote for Section 1 in regard to the Devils Lake Sioux Tribe Gaming Compact. That's what those comments mean - yes, let us vote for that section. Let us vote for Section 2 regarding the Three Affiliated Tribes. Let us vote for Section 3 regarding the Standing Rock Sioux Tribe. Let us vote for Section 4 regarding the Turtle Mountain Band of Chippewa Tribe. Let us vote for Section 5 regarding the Sisseton-Wahpeton Sioux Tribe. I think those are good sections. I think those sections respect those nations and they follow the comments of the Senator from District 15. However, when a comment is made that we can help the Indians, I submit to you members of the Senate those reasons why we reject the other sections of this bill.

I worked on welfare reform during the interim. I served on an economic development corporation; I have been following what has been going on with our AFDC caseload. Most of the Senators may realize that the caseload is going down. Do you know what the number one reason for the caseload going

down is? It is the tribes have figured out how AFDC families are able to work, able to feed their children, able to clothe their children, able to shelter their children without federal and state help. This government has taken millions and millions and millions of dollars and has thrown it around this state and has received less benefits in terms of getting families off AFDC than the Indian tribes have done. I challenge every Senator to go to the Department of Human Services and look at those records and find out what has happened in terms of AFDC. The credit belongs to the Indian tribes and the rest have thrown away millions and millions of dollars in efforts that have not helped people get off welfare. I think that is a reason to vote against Sections 6, 7, and 8.

#### REMARKS BY SENATOR BOWMAN

Thank you Madam President. I would ask that the remarks of our Senator from District 15 be printed in the Journal. Also, the last statement that you just heard, about looking at the records to find out, is a very important statement because that's kind of what this whole thing is about, looking to see if the rules that were laid down by this legislative body were followed. If they are followed and we then take the responsibility of setting a policy so that our future Governors, our future people who are involved in making treaties or whatever, do it right and don't hide anything, because you can't do it if you follow the rules, then we won't be doing this again. We won't be going through this again. If the number one objective is to help, then let's help future generations by sending a strong message that, no matter what political party you're from, if you follow the law, abide by the law, everyone benefits.

#### REMARKS OF SENATOR LAFOUNTAIN

Madam President, members of the Senate, it was a comment made earlier about the Constitution and it still applies today and the Constitution is a document - a compact is a document. The Constitution is an agreement made between the people who govern and the people who are governed. When one of those groups violates that Constitution for that agreement, it creates distrust, and to me this is a good example of what is going on here. We are breaking a compact. According to the case history in the state of North Dakota, according to the laws, the Constitution of our state has been provided for us on behalf of the Governor and the Attorney General and to me that is acceptable. They are saying to adopt these amendments we are violating that compact. Madam President, I heard comments about people who are trying to help the Indian people. Well, I wonder if those same people would believe that the federal government is trying to help them.

Madam President, I see in recent years in my lifetime the progress on reservations. I have given this lecture and I apologize to people because I don't want to lecture you. But I said this before and I'm tired of saying it, probably as much as you're tired of hearing it. In 1975 there was a federal law passed called Indian Self-Determination and there has been tremendous gains on these reservations because people are involved in their own affairs. This compact was in agreement between two sovereigns, the State of North Dakota and the Turtle Mountain Band of Chippewa, which the district I come from is part of that, and it was done in good faith. The tribes have honored that, the tribes and the Attorney General and the Governor of our state with their legal counsel have said that agreement is "legit". Read this, folks! As the Constitution was done in our past and is still effective today, so is the agreement. The agreement was made and is still effective. We have violated nothing. We are about to if we pass these amendments.

Madam President and members of the Senate, the Senator from District 15 said Native people are citizens of this state. We certainly are! That was another law passed by the federal government in 1924 saying you are now citizens of the state, whether you want to be or not. They were already citizens of these tribes before the United States Constitution was even written. So there is a dual citizenship here. There is a political status and because of that status we made this agreement. Madam President and members of the Senate, Native people contribute to the state in many ways

that every other citizen does. They have the same obligations, that was the purpose of the Indian Citizenship Act. I think that we ought to adopt sections 1, 2, 3, 4, and 5 of this bill and then end it there; because what it does, it's recognizing these individual tribal governments in their own sovereign status. Consequently, Madam President and members of the Senate, those sections are what came out of an agreement after the Attorney General and the Governor appeared, in the subpoena hearing. They came in and they said this is where we are at legally.

The next step, we wanted to work something out. There was still some question on our committee. The tribes didn't say you know you already tried to pull one over us. The tribes said, let's sit down, let's sit down again. Some of them would distrust. They sat down with the chairman of the committee, the Governor's office, the Attorney General, and the members of all the tribes of our state. They came up with sections 1, 2, 3, 4, and 5 and they said we can deal with this. But there have been many amendments proposed and many things done behind the scenes. We talk about open records and openness. When we had that subpoena hearing, I recommended, in front of the media and the people in the state of North Dakota that we reject that document because it was going to violate and send us into a court hearing. Maybe send us into the state supreme court first of all, then into federal court. I rejected that. I backed off that motion when there was an amendment to be offered. That amendment was available at the time, it was written for January twenty-seventh, but it was not offered at the February seventh hearing.

Since that time we have come up with many different proposals in behind the scenes negotiations. The person that negotiated part of the agreement here, 6 and 7, was a person not representing, I believe, any of the tribes. The tribal leaders said we are not going to deal anymore. We're not going to be partners to this. Look what happens when we do try to negotiate. So, the tribes when we sat in committee yesterday, there was nobody there folks. You know the committee members sat in our committee to hear this bill, TV cameras were not there. Most of the people in the state of North Dakota were not there when these amendments were offered and for the discussion to bring this before this Senate body today. When we talk about open records - let's have openness. Let's deal with this in front of the people in an honest way. When you are going to negotiate something in mandate you need to have all the parties involved. That's the honorable thing in my mind. Folks, this is a mistake. I want to leave this body with some faith in this system. I think if we kill these amendments we can all leave with honor.

#### REMARKS OF SENATOR W. STENEHJEM

Madam President, I have sat in this Senate for 10 sessions and I have never had anybody question my motivation for doing anything other than what I have told my colleagues here in the Senate was the case. I have never had anyone suggest that I have ignored any of our rules. I have never had anyone suggest that I have proceeded in anything but an honorable way. Every meeting that our Judiciary Committee had was open to anyone who wished to come in. I have held over many years a firm and very strong stand in favor of open government and open records and I think that is well known. Every meeting of the Judiciary Committee was open to anybody who wanted to come. The meetings have been announced each and every time here on the floor of the Senate, and if any member of the Senate feels that somebody was not invited, perhaps he ought to have invited, or she ought to have invited them.

I know a little about the Constitution myself. I have read it; I have studied it. I know about the statutes as well. We looked at this during the course of the interim study and were satisfied that there is no statutory authority for the Governor to have entered into these compacts. Rather than have that argument, however, these amendments are designed to settle the issue by saying we will accept all of the compacts with the amendments, up to now. But after this, the Legislative Assembly is going to be involved in the process. That's what these amendments say. If records are submitted to our State government, once they come to us, they are open. They are open for

anybody to look at, and if any part of them is going to be closed, we here in the legislature will decide. The members of the Judiciary Committee worked hard on this bill, spent many, many hours and many very difficult sessions, and I have been very pleased with all of the members of the committee. Each and everyone of them has acted honorably and fairly and to suggest otherwise is something that I object to strenuously.

Madam President, finally, there was never an agreement by anybody to accept sections 1 through 5 and 1 through 5 only. I was never a part of any such agreement, and that suggestion is inaccurate as well. This bill, I think, with the amendments is reasonable as I mentioned before. It is the absolute minimum we must insist upon as the legislative branch of government. I did not negotiate any compacts. I did not authorize, as the legislator, anyone to negotiate any compacts. I did not sign them. I am willing to accept them, but I am insisting that in the future we, as legislators, play a role and to do that we need a minimum amount of information as to whether the compacts will be complied with. That's what these amendments do. Each and every section of this amendment is essential to the bill as a whole. I urge the Senate to adopt all the sections.

#### REMARKS OF SENATOR C. NELSON

Thank you, Madam President, I think you can see now all the debate that we had in our committee. It was long and arduous, and we do have respect for one another. You have heard comments on both sides, and, Madam President, I would request that all comments made on this issue be printed in the Journal.

#### MOTION

SEN. G. NELSON MOVED that the vote on the amendments be put at 11:47 a.m., which motion prevailed.

#### ROLL CALL

The question being on the adoption of Division A of the proposed amendments to SB 2067, 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; Malewaja; 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

Division A of the proposed amendments to SB 2067 was adopted.

#### ROLL CALL

The question being on the adoption of Division B of the proposed amendments to SB 2067, 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; Malewaja; 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

Division B of the proposed amendments to SB 2067 was adopted.

#### ROLL CALL

The question being on the adoption of Division C of the proposed amendments to SB 2067, 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

Division C of the proposed amendments to SB 2067 was adopted.

#### ROLL CALL

The question being on the adoption of Division D of the proposed amendments to SB 2067, 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

Division D of the proposed amendments to SB 2067 was adopted.

#### ROLL CALL

The question being on the adoption of Division E of the proposed amendments to SB 2067, 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

Division E of the proposed amendments to SB 2067 was adopted.

#### ROLL CALL

The question being on the adoption of Division F of the proposed amendments to SB 2067, the roll was called and there were 29 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; 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; Langley; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tallackson; Tomac; Wogsland; Yockim

Division F of the proposed amendments to SB 2067 was adopted.

#### ROLL CALL

The question being on the adoption of Division G of the proposed amendments to SB 2067, the roll was called and there were 29 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; 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; Langley; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tallackson; Tomac; Wogsland; Yockim

Division G of the proposed amendments to SB 2067 was adopted.

#### ROLL CALL

The question being on the motion to adopt Division H of the proposed amendments to SB 2067, 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; Heinrich; Holmberg; Krebsbach; Kringstad; 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; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tallackson; Tomac; Wogsland; Yockim

Division H of the proposed amendments to SB 2067 was adopted.

#### REQUEST

**SEN. MATHERN REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to SB 2067, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the amendments to SB 2067, the roll was called and there were 29 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; 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; Langley; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tallackson; Tomac; Wogsland; Yockim

The motion to adopt the amendments to SB 2067 passed. Engrossed 2067 was placed on the Eleventh order for immediate second reading and final passage.

#### SECOND READING OF SENATE BILL

**SB 2067:** A BILL for an Act to provide for recognition of tribal-state gaming compacts, to create an open records exception for tribal gaming financial information submitted to a state agency, and to provide for approval of amendments to tribal-state gaming compacts.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 29 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; 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; Langley; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tallackson; Tomac; Wogsland; Yockim

Engrossed SB 2067 passed and the title was agreed to.

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#### REPORT OF STANDING COMMITTEE

SCR 4012: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SCR 4012 was placed on the Sixth order on the calendar.

Page 1, line 2, after "the" insert "future"

Page 1, line 6, replace "there are questions as to" with "no statute establishes"

Page 1, line 9, remove "there are questions as to the role of" and after "Assembly" insert "desires a role"

Page 1, line 14, after "the" insert "future"

Page 1, after line 15, insert:

"BE IT FURTHER RESOLVED, that in conducting the study, the Legislative Council seek the involvement of representatives of the tribal governments of the state; and"

Re-number accordingly

#### CONSIDERATION OF AMENDMENTS

SCR 4012: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments printed above be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4012: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of legislation governing the future negotiation, amendment, and renewal of tribal-state gaming compacts.

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

Engrossed SCR 4012 was declared adopted on a voice vote, and the title was agreed to.

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#### 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 2067, SCR 4012.

#### MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 1:05 p.m., which motion prevailed.

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

#### 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 Sixtieth Day

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

Page 1406, remove lines 28 through 34

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

#### REPORT OF CONFERENCE COMMITTEE

SEN. LEE MOVED that the conference committee report on Engrossed SB 2035 as printed on SJ pages 1357-1358 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2035, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

SB 2035: A BILL for an Act to require the department of human services to seek authorization for a demonstration project to combine benefits under the aid to families with dependent children, fuel assistance, and food stamp programs; to require the department of human services to report to the legislative council and budget section regarding the implementation status of the demonstration project; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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; Wanzenk; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Nalewaja

Engrossed SB 2035, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### REPORT OF CONFERENCE COMMITTEE

SEN. KREBSBACH MOVED that the conference committee report on Engrossed SB 2066 as printed on SJ page 1358 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2066, as amended, was placed on the Eleventh order.

#### 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, 2 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, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.;

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

**NAYS:** Nelson, C.; Scherber

Engrossed SB 2066, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**SEN. BOWMAN MOVED** that the conference committee report on Engrossed SB 2087 as printed on SJ page 1358 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2087, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2087:** A BILL for an Act to amend and reenact section 12.1-31-07 of the North Dakota Century Code, relating to the penalty for failure to care for a vulnerable elderly adult.

#### 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 2087, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**SEN. CHRISTMANN MOVED** that the conference committee report on Engrossed SB 2088 as printed on SJ pages 1318-1319 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2088, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2088:** A BILL for an Act to amend and reenact subsections 6 and 14 of section 62.1-01-01 of the North Dakota Century Code, relating to the definition of a shotgun and a handgun.

#### 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 2088, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. ANDRIST MOVED** that the conference committee report on Engrossed SB 2133 as printed on SJ pages 1271-1272 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2133, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2133:** A BILL for an Act to amend and reenact subsection 1 of section 43-09-09.2 of the North Dakota Century Code, relating to advertising of electrical services.

**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 2133, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. LEE MOVED** that the conference committee report on Reengrossed SB 2149 as printed on SJ pages 1406-1407 be adopted, which motion prevailed, on a voice vote.

Reengrossed SB 2149, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2149:** A BILL for an Act to create and enact a new section to chapter 18-01 of the North Dakota Century Code, relating to the state fire marshal authorizing fire and safety inspections to be performed by other agencies of government; and to amend and reenact section 18-01-02, subsection 3 of section 18-01-05.1, and section 23-09.3-04 of the North Dakota Century Code, relating to the duties of the state fire marshal, release of information to the state fire marshal or a law enforcement officer, and fire safety inspections of basic care facilities.

**ROLL CALL**

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

Reengrossed SB 2149, as amended, passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

SEN. WANZEK MOVED that the conference committee report on SB 2159 as printed on SJ page 1319 be adopted, which motion prevailed, on a voice vote.

SB 2159, as amended, was placed on the Eleventh order.

## SECOND READING OF SENATE BILL

SB 2159: A BILL for an Act to amend and reenact sections 15-21-13.1, 15-34.2-03, 15-40.1-01, 15-40.2-01, 15-40.2-05, 15-40.2-08, 15-47-01, and 57-15-14.5 of the North Dakota Century Code, relating to uniform accounting and reporting, family transportation, definition of a high school student, tuition agreements in districts that do not provide grade levels of service, meetings of county committees regarding tuition hearings, students placed for reasons other than education, school age, and long-distance learning levies.

## 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

SB 2159, as amended, passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

SEN. ANDRIST MOVED that the conference committee report on Engrossed SB 2195 as printed on SJ pages 1319-1320 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2195, as amended, was placed on the Eleventh order.

## SECOND READING OF SENATE BILL

SB 2195: A BILL for an Act to amend and reenact subsection 2 of section 4-18.1-03, subsections 1, 2, 6, and 7 of section 4-18.1-04, sections 4-18.1-12, 4-18.1-17, subsection 2 of section 4-18.1-18, and section 4-18.1-22 of the North Dakota Century Code, relating to renaming the milk stabilization board the milk marketing board, the executive officer of the milk marketing board, and assessments by the milk marketing board.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Naaden; 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

NAYS: Heinrich; Mutch; Nalewaja; O'Connell; Yockim

Engrossed SB 2195, as amended, passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

SEN. ANDRIST MOVED that the conference committee report on Engrossed SB 2198 as printed on SJ page 1359 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2198, as amended, was placed on the Eleventh order.

## SECOND READING OF SENATE BILL

SB 2198: A BILL for an Act to amend and reenact subsection 7 of section 5-01-01, sections 5-01-11, 5-01-14, and subsection 2 of section 5-03-04 of the North Dakota Century Code, relating to microbrew pubs; and to repeal section 5-03-03 of the North Dakota Century Code, relating to bonding of beer or liquor wholesalers.

## 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; Warzek; Watne; Wogsland; Yockim

Engrossed SB 2198, as amended, passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

SEN. TENNEFOS MOVED that the conference committee report on SB 2207 as printed on SJ page 1320 be adopted, which motion prevailed, on a voice vote.

SB 2207, as amended, was placed on the Eleventh order.

## SECOND READING OF SENATE BILL

SB 2207: A BILL for an Act to amend and reenact subsection 7 of section 55-02-01.2 of the North Dakota Century Code, relating to admission fees charged by the superintendent of the state historical society for certain exhibits.

## 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; Warzek; Watne; Wogsland; Yockim

SB 2207, as amended, passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

SEN. B. STENEHJEM MOVED that the conference committee report on SB 2247 as printed on SJ page 1272 be adopted, which motion prevailed, on a voice vote.

SB 2247, as amended, was placed on the Eleventh order.

## SECOND READING OF SENATE BILL

SB 2247: A BILL for an Act to amend and reenact section 39-08-04 of the North Dakota Century Code, relating to the duty of a driver involved in a vehicle accident involving death or personal injury; and to provide a penalty.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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 2247, as amended, passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

SEN. W. STENEHJEM MOVED that the conference committee report on Engrossed SB 2332 as printed on SJ pages 1359-1371 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2332, as amended, was placed on the Eleventh order.

## SECOND READING OF SENATE BILL

SB 2332: A BILL for an Act to provide for political committee registration and corporate political contributions; to amend and reenact sections 15-28-10, 16.1-05-01, subsections 2 and 3 of section 16.1-05-03, sections 16.1-05-05, 16.1-06-15, 16.1-06-18, 16.1-07-05, 16.1-07-12, 16.1-08.1-01, 16-08.1-02, 16.1-08.1-03, 16.1-08.1-03.1, 16.1-08.1-06, 16.1-08.1-07, and 16.1-12-04 of the North Dakota Century Code, relating to campaign contribution statements, election workers, testing election equipment, ballots, political advertisements, and independent candidates; and to repeal chapter 16.1-08 and sections 16.1-11-14 and 16.1-11-17 of the North Dakota Century Code, relating to political committee registration, corporate political contributions, affidavits of candidacy, and filling vacancies in slates of candidates.

## 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 2332, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

SEN. TRAYNOR MOVED that the conference committee report on SB 2338 as printed on SJ page 1320 be adopted, which motion prevailed, on a voice vote.

SB 2338, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

SB 2338: A BILL for an Act to amend and reenact section 1-04-01 of the North Dakota Century Code, relating to validation of recorded instruments.

**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

SB 2338, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

SEN. TRAYNOR MOVED that the conference committee report on Engrossed SB 2349 as printed on SJ pages 1371-1372 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2349, as amended, was placed on the Eleventh order.

**MOTION**

SEN. GOETZ MOVED that SB 2349 be laid over one legislative day, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

SEN. TENNEFOS MOVED that the conference committee report on SB 2391 as printed on SJ page 1407 be adopted, which motion prevailed, on a voice vote.

SB 2391, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

SB 2391: A BILL for an Act to create and enact a new section to chapter 54-44.2 of the North Dakota Century Code, relating to access to computer data maintained by state agencies; and to provide for the development of a plan to implement a uniform employer reporting system between the workers compensation bureau, job service North Dakota, and the state tax 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 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;

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

SB 2391, as amended, passed and the title was agreed to.

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#### MOTION

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

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

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1178 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1178: Reps. Monson; Torgerson; Hanson

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

MADAM PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2003: Reps. Clayburgh; Tollefson; Kroeber

SB 2006: Reps. Clayburgh; Martinson; Laughlin

SB 2009: Reps. Gerntholz; Martinson; Laughlin

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2035, SB 2066, SB 2087, SB 2088, SB 2133, SB 2149, SB 2159, SB 2195, SB 2198, SB 2207, SB 2247, SB 2332, SB 2338, SB 2391.

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

MADAM PRESIDENT: The House has passed unchanged: SCR 4068, SCR 4070.

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

MR. SPEAKER: The President has signed: HB 1051, HB 1243, HB 1252, HB 1286, HB 1318, HB 1337, HB 1355.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2014, SB 2026, SB 2192, SB 2202, SB 2239, SB 2359, SB 2506.

#### APPOINTMENT OF CONFERENCE COMMITTEE

SEN. NETHING MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1014, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1014: Sens. Solberg, Nething, Tallackson.

#### REPORT OF CONFERENCE COMMITTEE

SEN. TRAYNOR MOVED that the conference committee report on Engrossed SB 2103 as printed on SJ page 1406 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2103, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

SB 2103: A BILL for an Act to amend and reenact sections 23-29-06 and 23-29-07 of the North Dakota Century Code, relating to solid waste management districts and solid waste management facility permits; to repeal sections 23-29-06, 23-29-06.1, 23-29-06.2, 23-29-06.3,

23-29-06.4, 23-29-07.3, and 23-29-07.4 of the North Dakota Century Code, relating to the solid waste management districts and solid waste management surcharge; 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 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 2103, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**SEN. FREBORG MOVED** that the conference committee report on Engrossed SB 2142 as printed on SJ pages 1358-1359 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2142, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2142:** A BILL for an Act to amend and reenact section 20.1-03-01.2 of the North Dakota Century Code, relating to hunter safety education course completion requirements; and to provide a penalty.

#### ROLL CALL

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

**NAYS:** Stenehjem, B.

Engrossed SB 2142, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**SEN. LEE MOVED** that the conference committee report on Engrossed SB 2430 as printed on SJ page 1372 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2430, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2430:** A BILL for an Act to create and enact two new subsections to section 25-03.1-40 of the North Dakota Century Code, relating to rights of patients; and to amend and reenact section 25-03.1-24 of the North Dakota Century Code, relating to the right to treat.

## 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; Wanzen; Watne; Wogsland; Yockim

Engrossed SB 2430, as amended, passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

SEN. BOWMAN MOVED that the conference committee report on SB 2439 as printed on SJ page 1372 be adopted, which motion prevailed, on a voice vote.

SB 2439, as amended, was placed on the Eleventh order.

## SECOND READING OF SENATE BILL

SB 2439: A BILL for an Act to create and enact a new section to chapter 14-09, a new chapter to title 26.1, a new subsection to section 50-06-05.1, and a new section to chapter 50-24.5 of the North Dakota Century Code, relating to implementation of the medicaid requirements of the Omnibus Budget Reconciliation Act of 1993; and to amend and reenact section 14-09-08.11, subsection 5 of section 14-09-09.10, and sections 26.1-36-12, 50-24.1-02.3, and 50-24.1-07 of the North Dakota Century Code, relating to pre-need funeral plans and implementation of the medicaid requirements of the Omnibus Budget Reconciliation Act of 1993.

## 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; Wanzen; Watne; Wogsland; Yockim

SB 2439, as amended, passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

SEN. LEE MOVED that the conference committee report on SB 2480 as printed on SJ page 1372 be adopted, which motion prevailed, on a voice vote.

SB 2480, as amended, was placed on the Eleventh order.

## SECOND READING OF SENATE BILL

SB 2480: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 26.1-36-08 and a new paragraph to 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 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

SB 2480, as amended, passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

SEN. KREBSBACH MOVED that the conference committee report on SB 2520 as printed on SJ page 1407 be adopted, which motion prevailed, on a voice vote.

SB 2520, as amended, was placed on the Eleventh order.

## SECOND READING OF SENATE BILL

SB 2520: A BILL for an Act to create and enact a new section to chapter 3-02 and three new sections to chapter 43-23 of the North Dakota Century Code, relating to duties required of a brokerage firm, common-law agency principles, misrepresentation of a real estate transaction, and appointed agents of a brokerage firm; and to amend and reenact section 43-23-06.1 of the North Dakota Century Code, relating to definitions for purposes of the state real estate 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 46 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

SB 2520, as amended, passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

SEN. TENNEFOS MOVED that the conference committee report on Engrossed SB 2524 as printed on SJ page 1372 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2524, as amended, was placed on the Eleventh order.

## SECOND READING OF SENATE BILL

SB 2524: A BILL for an Act to amend and reenact section 57-02-27.2 of the North Dakota Century Code, relating to consideration of irrigation in the valuation of cropland; to provide an effective date; and to provide an expiration date.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 6 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; Malewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Christmann; Mutch; Naaden; Schobinger; Solberg; Streibel

Engrossed SB 2524, as amended, passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

**SEN. B. STENEHJEM MOVED** that the conference committee report on Engrossed SCR 4046 as printed on SJ page 1372 be adopted, which motion prevailed, on a voice vote.

Engrossed SCR 4046, as amended, was placed on the Eleventh order.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4046:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing, in cooperation with tribal governments, gambling addiction treatment and counseling services to state residents.

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

Engrossed SCR 4046, as amended, was declared adopted on a voice vote, and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

**SEN. THANE MOVED** that the conference committee report on Engrossed SCR 4049 as printed on SJ pages 1372-1373 be adopted, which motion prevailed, on a voice vote.

Engrossed SCR 4049, as amended, was placed on the Eleventh order.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4049:** A concurrent resolution directing the Legislative Council to study issues relating to child support.

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

Engrossed SCR 4049, as amended, was declared adopted on a voice vote, and the title was agreed to.

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## POINT OF PERSONAL PRIVILEGE

**SEN. HOLMBERG:** Madam President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

## REMARKS OF SENATOR HOLMBERG

The Base Realignment Commission will be conducting a hearing in Grand Forks

this evening on possible changes in the missions of the Grand Forks and Minot Air Force Bases.

The following senators will be representing the Senate at this hearing and will be absent the rest of this afternoon: Sens. Holmberg, Krebsbach, Schobinger, St. Aubyn, O'Connell, Redlin, and Watne.

#### MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 5:30 p.m., which motion prevailed.

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

#### REPORT OF CONFERENCE COMMITTEE

SB 2288: Your conference committee (Sens. Streibel, Naaden, Mushik and Reps. Clayburgh, Dalrymple, Kaldor) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1165-1167, adopt amendments as follows, and place SB 2288 on the Seventh order:

That the House recede from its amendments as printed on pages 1165-1167 of the Senate Journal and pages 1182-1184 of the House Journal and that Senate Bill No. 2288 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 54-16-01, 54-16-04, 54-16-04.1, and 54-16-04.2 of the North Dakota Century Code, relating to emergency commission membership and authority to authorize line item transfers and expenditures of gifts, grants, and federal funds.

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

SECTION 1. AMENDMENT. Section 54-16-01 of the North Dakota Century Code is amended and reenacted as follows:

54-16-01. Emergency commission - Members - Organization - Quorum - Meetings - Duties. The emergency commission shall consist ~~consists~~ of the governor, the commissioner of agriculture chairman of the legislative council, and the secretary of state, ~~except when the membership is expanded as herein provided.~~ Whenever, during the biennium, an allocation or allocations out of the state contingency fund, a transfer of money between funds and line items, or an approval to spend federal funds in excess of ten thousand dollars is to be made to any institution or department of government, and the chairman of the senate appropriations committee and the chairman of the and house of representatives appropriations committee must be members of the commission committees. The aggregate total of transfers from the state contingency fund, within the limits of legislative appropriations, can exceed five hundred thousand dollars only to the extent that requests for transfers from the state contingency fund have been approved by the budget section of the legislative council. If the chairman of either an appropriations committee should die or resign ceases to be a member of the legislative assembly, the vice chairman of that committee shall become a member of succeeds to that position on the commission. A An appropriations committee vice chairman may also serve in the place of the appropriations committee chairman as a member of the commission at the request of the appropriate appropriations committee chairman, if the appropriations committee chairman is unable to attend a particular commission meeting. ~~Two~~ Four members of the commission constitute a quorum, ~~except when the membership is expanded, in which case four members constitute a quorum.~~ The governor must be is the chairman of the commission, and the secretary of state must be is the secretary of the commission. The commission shall meet upon at the call of the chairman. ~~The commission shall exercise the powers and perform the duties imposed upon it by law.~~

**SECTION 2. AMENDMENT.** Section 54-16-04 of the North Dakota Century Code is amended and reenacted as follows:

54-16-04. May order transfer of moneys between funds - Line item transfers - Order may draw from state treasury. Whenever it is made to appear A state officer may present to the emergency commission by an itemized, verified petition of any board, commission, or officer authorized to expend public funds, and after receiving requesting approval of a transfer of spending authority from the state contingencies appropriation, a transfer of money or spending authority between funds or line items, or expenditure of federal funds. The emergency commission shall request and receive information from the director of the office of management and budget, regarding the petition. If the emergency commission finds that an emergency exists, the emergency commission shall assume that an emergency exists and may order money or spending authority transferred from one fund or line item to another fund or line item belonging to or appropriated from for the same institution or board or the same state enterprise, may order a transfer of spending authority from the state contingencies appropriation, may authorize expenditure of federal funds, or in an extremity may authorize money to be drawn from the state treasury to meet the emergency until such time as the legislative assembly can make an appropriation available therefor. The term "emergency" is limited to calamities or unforeseen happenings subsequent to the time such appropriation was made and which were clearly not within the contemplation of the legislative assembly and the governor. The following transfers may not be authorized by the emergency commission without approval by the budget section of the legislative council.

1. A transfer of spending authority from the state contingencies appropriation after the aggregate amount transferred from that appropriation during the biennium exceeds five hundred thousand dollars.
2. A transfer of moneys or spending authority which would eliminate or make impossible the accomplishment of a program or objective funded by the legislative assembly.
3. A transfer exceeding fifty thousand dollars from one fund or line item to another fund or line item, unless the transfer is necessary to comply with a court order or to avoid:
  - a. An imminent threat to the safety of people or property due to a natural disaster or war crisis; or
  - b. An imminent financial loss to the state.

**SECTION 3. AMENDMENT.** Section 54-16-04.1 of the North Dakota Century Code is amended and reenacted as follows:

54-16-04.1. May authorize acceptance and disbursement of certain moneys federal funds. The emergency commission with the advice and counsel of the executive office of the budget may authorize the state treasurer to receive, between legislative sessions, any moneys for new programs or continuation of existing programs not appropriated by the legislative assembly that which are made available by the any federal government, or any agency thereof, and which the legislative assembly has not indicated an intent to reject. The emergency commission may authorize pass-through federal funds from one state agency to another state agency. The emergency commission, with approval of the budget section of the legislative council, may authorize any state agency, department, board, or institution officer to expend such federal moneys from the date such moneys become available until July first June thirtieth following the next regular legislative session, provided

such. The expenditures must be consistent with state law and with the terms of the grant, and provided, further, that the program may not commit the legislative assembly for matching funds for in the future bienniums unless the program has first been approved by the legislative assembly. No department, institution, or agency A state officer may not expend funds received from the federal government which have not been specifically appropriated by the legislative assembly except as provided in this chapter. A state officer shall submit an expenditure plan with a request for approval under this section of expenditure of federal funds combined with or as part of a block grant for a new or existing program.

**SECTION 4. AMENDMENT.** Section 54-16-04.2 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-16-04.2.** Commission may authorize acceptance and expenditure of moneys between sessions. The emergency commission, upon the advice of the office of management and budget, with approval of the budget section of the legislative council, and within the limits of legislative appropriation for approval under this section, may authorize a state agencies, institutions, or departments, between legislative sessions, officer to receive and accept moneys from gifts, grants, donations, or other sources, not otherwise appropriated by the legislative assembly, for new or existing programs if the legislative assembly has not indicated an intent to reject the moneys or the program. The emergency commission may authorize the state agency, institution, or department officer to expend money received under this section from the date the money becomes available until June thirtieth following the next regular legislative session."

Renumber accordingly

SB 2288 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

SEN. STREIBEL MOVED that the conference committee report on SB 2288 be adopted, which motion prevailed, on a voice vote.

SB 2288, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

SB 2288: A BILL for an Act to amend and reenact sections 54-16-01, 54-16-04, 54-16-04.1, and 54-16-04.2 of the North Dakota Century Code, relating to emergency commission membership and authority to authorize line item transfers and expenditures of gifts, grants, and federal funds.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 2 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Kelsh; Kinnoin; Krauter; Kringstad; LaFountain; Langley; Lee; Lindaas; Mathern; Mushik; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Nething; Robinson; Sand; Scherber; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Wogsland; Yockim

**NAYS:** Heinrich; Lips

**ABSENT AND NOT VOTING:** Holmberg; Krebsbach; Naaden; O'Connell; Redlin; Schobinger; St. Aubyn; Tomac; Watne

SB 2288, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. B. STENEHJEM** MOVED that the conference committee report on Engrossed HB 1163 as printed on SJ pages 1408-1409 be adopted, which motion prevailed, on a voice vote.

Engrossed HB 1163 was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1163:** A BILL for an Act to amend and reenact section 39-21-41.4 of the North Dakota Century Code, relating to the requirement of safety belts for people with medical or physically disabling conditions.

**ROLL CALL**

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

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Kelsh; Krauter; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Nething; Robinson; Sand; Scherber; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Holmberg; Kinnoin; Krebsbach; Langley; Naaden; O'Connell; Redlin; Schobinger; St. Aubyn; Tomac; Watne

Engrossed HB 1163 passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. W. STENEHJEM** MOVED that the conference committee report on HB 1027 as printed on SJ page 1407 be adopted, which motion prevailed, on a voice vote.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. TRAYNOR** MOVED that the conference committee report on HB 1082 as printed on SJ page 1408 be adopted, which motion prevailed, on a voice vote.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. GRINDBERG** MOVED that the conference committee report on HB 1100 as printed on SJ page 1408 be adopted, which motion prevailed, on a voice vote.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. W. STENEHJEM** MOVED that the conference committee report on Engrossed HB 1165 as printed on SJ page 1409 be adopted, which motion prevailed, on a voice vote.

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

**MR. SPEAKER:** The President has appointed as a conference committee to act with a like committee from the House on:

**HB 1014:** Sens. Solberg; Nething; Tallackson

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2103, SB 2142, SB 2430, SB 2439, SB 2480, SB 2520, SB 2524, SCR 4046, SCR 4049.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 4:59 p.m., March 30, 1995: SB 2027, SB 2030, SB 2179, SB 2358, SB 2404, SB 2405, SB 2406, SB 2438, SB 2452, SB 2477.

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

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1018, HB 1022, HB 1032, HB 1149, HB 1151, HB 1326, HB 1360, HB 1369, HB 1375, HB 1378, HB 1379, HB 1407, HB 1436, HB 1441, HB 1452, HB 1463, HB 1493, HCR 3006, HCR 3038.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2101, SB 2152.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report on: SB 2037, SB 2044, SB 2072, SB 2143, SB 2204.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1041, HB 1134, HB 1309, HB 1329.

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

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1194.

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

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1228, HB 1473, HB 1478, HB 1489, HB 1492, HB 1500, HB 1502, HCR 3001, HCR 3004, HCR 3005, HCR 3019, HCR 3021, HCR 3026, HCR 3043.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2288.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: HB 1027, HB 1082, HB 1100, HB 1165.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2014, SB 2026, SB 2192, SB 2202, SB 2239, SB 2359, SB 2506.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2103, SB 2142, SB 2430, SB 2439, SB 2480, SB 2520, SB 2524, SCR 4046, SCR 4049.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1163.

**MOTION**

**SEN. GOETZ MOVED** that the Senate be on the Seventh and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Friday, March 31, 1995, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2074, as engrossed:** Your conference committee (Sens. Freborg, Christmann, Yockim and Reprs. DeKrey, Brown, Gulleson) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 911-912, adopt amendments as follows, and place SB 2074 on the Seventh order:

That the House recede from its amendments as printed on pages 911 and 912 of the Senate Journal and pages 929 and 930 of the House Journal and that Engrossed Senate Bill No. 2074 be amended as follows:

- Page 1, line 1, replace "sections 57-02.1-02," with "subsection 1 of section", remove the second comma, and after the second "and" insert "section"
- Page 1, remove lines 5 through 14
- Page 1, line 15, replace "Section" with "Subsection 1 of section"
- Page 1, remove lines 17 and 18
- Page 1, line 21, remove the overstrike over "counties" and remove "taxing districts in each county"
- Page 2, line 8, remove "taxing"
- Page 2, line 9, remove "districts in the"
- Page 2, line 12, remove "the"
- Page 2, line 13, remove "taxing districts in"
- Page 2, line 14, remove the overstrike over "No", remove "Taxing districts in a", and remove "not"
- Page 2, remove lines 18 through 22
- Page 2, line 25, remove the overstrike over "counties" and remove "taxing districts"
- Page 2, remove the overstrike over lines 26 through 28
- Page 2, line 29, remove the overstrike over "district wherein the property subject to valuation is located."
- Page 3, line 1, remove the overstrike over "remaining after apportionment to the county level"
- Page 3, line 6, after the period insert "However, if the property subject to valuation is leased or held by lease or license from the United States, the payment made by the director of the game and fish department must be apportioned and distributed among the various taxing districts, other than the county, 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."

Renumber accordingly

Engrossed SB 2074 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

SB 2209, as engrossed: Your conference committee (Sens. Schobinger, Wanzenk, O'Connell and Reps. Rydell, Johnson, Nichols) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1164-1165, adopt amendments as follows, and place SB 2209 on the Seventh order:

That the House recede from its amendments as printed on pages 1164 and 1165 of the Senate Journal and pages 1181 and 1182 of the House Journal, and that Engrossed Senate Bill No. 2209 be amended as follows:

Page 2, line 27, after "levies" insert ", except those to retire bonded debt existing before the annexation or attachment"

Page 3, line 2, after "from" insert ", except those to retire bonded debt existing before the annexation"

Page 8, line 7, after the period insert "A school district may become involved in a reorganization proposal by a majority vote of its school board members." and after "districts" insert "that have voted to become involved in the reorganization proposal."

Page 8, remove line 8

Page 14, line 7, after the underscored period insert "In addition, no annexation petitions involving any of the same territory may be filed with the county superintendent."

Renumber accordingly

Engrossed SB 2209 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

SB 2264, as engrossed: Your conference committee (Sens. W. Stenehjem, Traynor, C. Nelson and Reps. Kelsch, Mickelson, Delmore) recommends that the SENATE ACCEDE to the House amendments on SJ pages 1120-1121, further amend, and place SB 2264 on the Seventh order.

That the Senate accede to the amendments as printed on pages 1120 and 1121 of the Senate Journal and pages 1115 and 1116 of the House Journal, and that Engrossed Senate Bill No. 2264 be further amended as follows:

Page 1, line 16, remove "and" and after "27-20-53" insert ", and 62.1-02-01"

Page 1, line 21, remove the first "and" and after "juveniles" insert ", and possession of firearms"

Page 10, line 8, replace "was" with "were"

Page 10, line 13, after the underscored period insert "As a condition to the return of driving privileges, the juvenile court may order the successful completion of an appropriate driver's examination."

Page 19, after line 5, insert:

"5. Following an adjudication of delinquency for an offense that results in the prohibitions included in subsection 1 or 2 of section 62.1-02-01, if requested, a law enforcement officer must be allowed access to the disposition order."

Page 19, line 6, replace "5" with "6"

Page 23, after line 2, insert:

"SECTION 20. AMENDMENT. Section 62.1-02-01 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

#### 62.1-02-01. Who not to possess firearms - Penalty.

1. A person who has been convicted anywhere for a felony involving violence or intimidation, as defined in chapters 12.1-16 through 12.1-25, is prohibited from owning a firearm or having one in possession or under control from the date of conviction and continuing for a period of ten years after the date of conviction or release from incarceration or probation, whichever is the latter.

2. A person who has been convicted of any felony not provided for in subsection 1 or has been convicted of a class A misdemeanor involving violence or intimidation and that crime was committed while using or possessing a firearm or dangerous weapon, as defined in chapters 12.1-16 through 12.1-25, is prohibited from owning a firearm or having one in possession or under control from the date of conviction and continuing for a period of five years after the date of conviction or release from incarceration or probation, whichever is the latter.
3. A person who is or has ever been diagnosed and confined or committed to a hospital or other institution in North Dakota or elsewhere by a court of competent jurisdiction, as a mentally ill person as defined in section 25-03.1-02, or as a mentally deficient person as defined in section 25-01-01, is prohibited from purchasing a firearm or having one in possession or under control. This limitation does not apply to a person who has not suffered from the disability for the previous three years.
4. A person under the age of eighteen years may not possess a handgun except that such a person may, while under the direct supervision of an adult, possess a handgun for the purposes of firearm safety training, target shooting, or hunting.

A person who violates subsection 1 or 2 is guilty of a class C felony, and a person who violates subsection 3 or 4 is guilty of a class A misdemeanor. For the purposes of this section, "conviction" means determination by a jury or court that a person committed one of the above-mentioned crimes even though the court suspended execution of sentence in accordance with subsection 3 of section 12.1-32-02 or deferred imposition of sentence in accordance with subsection 4 of section 12.1-32-02, placed the defendant on probation, granted a conditional discharge in accordance with section 19-03.1-30, or the defendant's conviction has been reduced in accordance with subsection 10 of section 12.1-32-02 or section 12.1-32-07.1, or a determination under chapter 27-20 that the person committed a delinquent act equivalent to the offenses provided in subsection 1 or 2."

Renumber accordingly

Engrossed SB 2264 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2425, as engrossed:** Your conference committee (Sens. Thane, Urlacher, DeMers and Reps. Froseth, Poolman, Delmore) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1041 and place SB 2425 on the Seventh order.

Engrossed SB 2425 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2442, as engrossed:** Your conference committee (Sens. Urlacher, Watne, Mathern and Reps. Froseth, Kretschmar, Glassheim) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 932-934, adopt amendments as follows, and place SB 2442 on the Seventh order:

That the House recede from its amendments as printed on pages 932-934 of the Senate Journal and pages 932-935 of the House Journal and that Engrossed Senate Bill No. 2442 be amended as follows:

Page 1, line 9, remove ", after publishing notice as provided in section"

Page 1, line 10, remove "21-03-26,"

Page 2, line 10, after the period insert "The initial resolution authorizing issuance of bonds under this subsection must be published in the official newspaper of the municipality. Within sixty days after publication, an owner of taxable property within the municipality may file with the auditor or chief fiscal officer of the municipality a written protest against adoption of the resolution. A protest must describe the property that is the subject of the protest. If the governing body finds protests have been signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property in the municipality, as most recently finally equalized, all further proceedings under the initial resolution are barred."

Renumber accordingly

Engrossed SB 2442 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

SB 2455, as engrossed: Your conference committee (Sens. Watne, W. Stenehjem, C. Nelson and Reps. DeKrey, Kretschmar, Mahoney) recommends that the HOUSE RECEDE from the House amendments on SJ page 1122, adopt amendments as follows, and place SB 2455 on the Seventh order:

That the House recede from its amendments as printed on page 1122 of the Senate Journal and page 1120 of the House Journal and that Engrossed Senate Bill No. 2455 be amended as follows:

Page 1, line 1, replace "subsections 1 and" with "subsection"

Page 2, line 19, replace "Subsections 1 and" with "Subsection"

Page 2, line 20, replace "are" with "is"

Page 2, remove lines 21 through 29

Page 3, remove lines 1 through 8

Page 3, line 14, remove the overstrike over "~~or post office box number~~" and insert immediately thereafter "if the signer does not have a residential address"

Renumber accordingly

Engrossed SB 2455 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

SB 2475, as engrossed: Your conference committee (Sens. Lips, Nalewaja, Redlin and Reps. Bateman, DeWitz, Wilkie) recommends that the SENATE ACCEDE to the House amendments on SJ page 980 and place SB 2475 on the Seventh order.

Engrossed SB 2475 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

SCR 4026: Your conference committee (Sens. Mutch, Tennefos, Langley (Absent) and Reps. Johnson, Shide, Kerzman) recommends that the HOUSE RECEDE from the House amendments on SJ page 984 and place SCR 4026 on the Seventh order.

SCR 4026 was placed on the Seventh order of business on the calendar.

## REPORT OF CONFERENCE COMMITTEE

**HB 1041, as engrossed:** Your conference committee (Sens. Grindberg, Kelsh, Wanzek and Reps. Holm, Drovdal, Nichols) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1214-1215, adopt amendments as follows, and place HB 1041 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1214 and 1215 of the House Journal and page 1013 of the Senate Journal and that Engrossed House Bill No. 1041 be amended as follows:

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 15-22 of the North Dakota Century Code, relating to the duties of county superintendents of schools; and to repeal sections 15-21-10, 15-22-10, 15-22-11, 15-22-13, 15-22-15, 15-22-16, 15-22-20, 15-22-26, 15-35-10, 15-38-02, 15-38-03, 15-38-14, 15-40.1-19, 15-47-17, 15-47-23, and 65-04-07 of the North Dakota Century Code, relating to the duties of county superintendent of schools, filing requirements, contingency funds, disaster drills, teacher registers, and reporting requirements.

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

**SECTION 1.** A new section to chapter 15-22 of the North Dakota Century Code is created and enacted as follows:

**County superintendents of schools - Assignment of duties.** Notwithstanding any other provision of law, a board of county commissioners may by majority vote choose not to employ a county superintendent of schools and may assign, to one or more qualified persons, all statutory duties of county superintendents of schools. The assignment of duties must be set forth in a written plan, and the plan must be approved by a majority of the presidents of school boards whose districts include land in the county and must be placed on file with the legislative council.

**SECTION 2. REPEAL.** Sections 15-21-10, 15-22-10, 15-22-11, 15-22-13, 15-22-15, 15-22-16, 15-22-20, 15-22-26, 15-35-10, 15-38-02, 15-38-03, 15-38-14, 15-40.1-19, 15-47-17, 15-47-23, and 65-04-07 of the North Dakota Century Code are repealed."

Renumber accordingly

Engrossed HB 1041 was placed on the Seventh order of business on the calendar.

## REPORT OF CONFERENCE COMMITTEE

**HB 1134:** Your conference committee (Sens. Tennefos, Kringstad, Kinnoin and Reps. Timm, Nicholas, Dobrinski) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1142-1143, adopt amendments as follows, and place HB 1134 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1142 and 1143 of the House Journal and page 1014 of the Senate Journal, and that House Bill No. 1134 be amended as follows:

Page 1, line 1, after "Act" insert "to provide limitations on production incentives for ethanol plants;"

Page 2, after line 5, insert:

"SECTION 2. Duration and limitation of ethanol plant production incentives. Notwithstanding any other provision of law, an ethanol plant may not receive production incentives except as permitted under this section.

1. An ethanol plant that was in operation before July 1, 1995, may not receive production incentives in the form of direct payments from the state for more than five fiscal years of operation after June 30, 1995. An ethanol plant that begins operation after June 30, 1995, may not receive production incentives in the form of direct payments from the state for more than ten fiscal years of operation. After December 31, 2007, the state may not provide production incentives in the form of direct payments to any ethanol plant.
  
2. An ethanol plant that was in operation before July 1, 1995, and which produced fewer than fifteen million gallons [56781000 liters] of ethanol in the previous fiscal year may receive up to one million dollars in production incentives from the state for production in a fiscal year. An ethanol plant that was in operation before July 1, 1995, and which produced fifteen million gallons [56781000 liters] or more of ethanol in the previous fiscal year and an ethanol plant that begins operation after June 30, 1995, are each eligible to receive an equal share in up to five hundred thousand dollars in production incentives from the state for production in a fiscal year."

Page 2, line 9, replace "1997" with "2000"

Page 2, line 15, replace "1996" with "1999" and replace "2" with "3"

Page 2, line 17, replace "2" with "3"

Renumber accordingly

HB 1134 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1210, as engrossed:** Your conference committee (Sens. Traynor, Yockim, Kringstad and Reps. Brown, Drovdal, Gulleson) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1221 and place HB 1210 on the Seventh order.

Engrossed HB 1210 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1221, as engrossed:** Your conference committee (Sens. Mutch, Krebsbach, Scherber and Reps. Keiser, Poolman, Schmidt) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1063-1064, adopt amendments as follows, and place HB 1221 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1063 and 1064 of the House Journal and page 877 of the Senate Journal, and that Engrossed House Bill No. 1221 be amended as follows:

Page 2, line 28, after the period insert "An employer shall give written notice to its employees when the employer makes an initial selection of a preferred provider or changes the selection of the preferred provider. An employer shall give written notice identifying the selected preferred provider to every employee hired after the selection was made."

Page 3, line 4, after "to" insert "give written notice or to" and after "notice" insert "as required under this subsection"

Renumber accordingly

Engrossed HB 1221 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1250, as engrossed:** Your conference committee (Sens. Mutch, Krebsbach, Langley and Reps. Skarphol, Kempenich, Grumbo) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1018, adopt amendments as follows, and place HB 1250 on the Seventh order:

That the Senate recede from its amendments as printed on page 1018 of the House Journal and page 896 of the Senate Journal, and that Engrossed House Bill No. 1250 be amended as follows:

Page 1, line 21, replace "the majority leader of" with "two legislators, one appointed by the majority leaders of the senate and the house of representatives and one appointed by the minority leaders of the senate and"

Re-number accordingly

Engrossed HB 1250 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1309, as engrossed:** Your conference committee (Sens. Bowman, B. Stenehjem, Mathern and Reps. K. Henegar, Thoreson, Boucher) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1145, adopt amendments as follows, and place HB 1309 on the Seventh order:

That the Senate recede from its amendments as printed on page 1145 of the House Journal and pages 975 and 976 of the Senate Journal and that Engrossed House Bill No. 1309 be amended as follows:

Page 2, line 1, remove "Any immediate, adult family member of a child, including a parent,"

Page 2, remove lines 2 through 5

Page 2, line 6, remove "3." and after "person" insert ", including an immediate, adult family member of a child,"

Re-number accordingly

Engrossed HB 1309 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1329:** Your conference committee (Sens. Andrist, Krauter, Sand and Reps. Carlson, Poolman, Schmidt) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1098, adopt amendments as follows, and place HB 1329 on the Seventh order:

That the Senate recede from its amendments as printed on page 1098 of the House Journal and page 907 of the Senate Journal, and that House Bill No. 1329 be amended as follows:

Page 1, line 19, after "one" insert "to exceed two" and remove the overstrike over "and"

Page 1, line 20, remove the overstrike over "~~one-half~~" and remove "to exceed one thousand dollars plus five"

Page 3, line 6, replace "five" with "two"

Page 3, line 26, remove "The bureau's calculation of premiums, reimbursements."

Page 3, remove line 27

Page 4, line 5, overstrike the second "of" and after "~~twenty-five~~" insert "not to exceed"

Page 9, line 21, remove "Neither the bureau nor a court of competent"

Page 9, remove lines 22 and 23

Page 9, line 24, remove "be uninsured under this title."

Page 10, line 29, after the overstruck period insert "A determination by the bureau that a person is not an employer required to obtain workers' compensation coverage under this title is a defense to any claim that the person failed to obtain coverage for the time period during which the determination is effective."

Page 12, line 3, overstrike "of two" and after "~~hundred~~" insert "not to exceed one"

Renumber accordingly

HB 1329 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1386, as engrossed:** Your conference committee (Sens. Kringstad, Urlacher, Kinnoin and Reps. Grosz, Austin, Sitz) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1000-1003 and place HB 1386 on the Seventh order.

Engrossed HB 1386 was placed on the Seventh order of business on the calendar.

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

William C. Parker, Secretary