

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

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Bismarck, February 18, 1997

The Senate convened at 9:00 a.m., with President Pro Tem Holmberg presiding.

The prayer was offered by Senator David O'Connell.

The roll was called and all members were present.

A quorum was declared by the President Pro Tem.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1002, HB 1004, HB 1023, HB 1024, HB 1058, HB 1115, HB 1183, HB 1189, HB 1199, HB 1265, HB 1301, HB 1332, HB 1357, HB 1362, HB 1381, HB 1420, HB 1421, HB 1434, HB 1435, HB 1436, HB 1437, HB 1441, HB 1442, HB 1451, HB 1453, HCR 3001, HCR 3012, HCR 3018, HCR 3019, HCR 3020, HCR 3030, HCR 3031, HCR 3032.

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 2028, SB 2139, SB 2167, SB 2181, SB 2210, SB 2220, SB 2221, SB 2338.

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 2344.

MOTION

SEN. GOETZ MOVED that the rules be suspended, and that after action taken on the Sixth order today, those bills, as amended, be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed.

MOTION

SEN. GOETZ MOVED that SB 2013, SB 2198, SB 2240, SB 2396, SB 2397, and SCR 4036, which are on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2144, as engrossed: SEN. MUTZENBERGER (Political Subdivisions Committee) MOVED that the amendments on SJ pages 392-393 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2144: A BILL for an Act to amend and reenact section 18-11-15 of the North Dakota Century Code, relating to benefits under the alternate firefighters relief association plan.

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; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nothing; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Reengrossed SB 2144 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2004: SEN. ST. AUBYN (Appropriations Committee) MOVED that the amendments on SJ pages 380-390 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2004: A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health; to amend and reenact sections 23-09-01, 23-09-02.1, 23-09-03, 23-09-05, 23-09-06, 23-09-07, 23-09-08, 23-09-09, 23-09-10, 23-09-11, 23-09-14, 23-09-16, 23-09-17, 23-09-18, 23-09-20.1, 23-09-21, and 23-09-22 of the North Dakota Century Code, relating to the requirements for the operation of a food and lodging establishment; to repeal section 23-09-12 of the North Dakota Century Code, relating to certificates of inspection; to provide an effective date; to provide an expiration date; and to provide for a legislative council study.

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; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: Kelsh; O'Connell; Yockim

Engrossed SB 2004 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2061: SEN. GRINDBERG (Political Subdivisions Committee) MOVED that the amendments on SJ pages 391-392 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2061: A BILL for an Act to create and enact a new subsection to section 21-03-07 of the North Dakota Century Code, relating to the vote required to approve issuance of certain bonds by political subdivisions.

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

YEAS: Andrist; Berg; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutzenberger; Nalewaja; Nelson, C.; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Bowman; Christmann; Cook; Kelsh; Klein; Krauter; Mutch; Naaden; O'Connell; Redlin; Tomac

Engrossed SB 2061 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2109: SEN. O'CONNELL (Transportation Committee) MOVED that the amendments on SJ page 392 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2109: A BILL for an Act to amend and reenact subsection 5 of section 39-06-02, sections 39-06-07.1, 39-06-08, subsection 1 of section 39-06-14, sections 39-06-18, 39-06-20, subsection 2 of section 39-06.1-01, section 39-06.1-13, and subsection 6 of section 39-06.2-02 of the North Dakota Century Code, relating to motor vehicle operator's licensing exemptions, proof of name and date of birth, applications of minors, license color, change of address or name, definition of equivalent ordinance, reduction of point total, and definition of commercial motor vehicle.

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; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed SB 2109 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2159: SEN. COOK (Transportation Committee) MOVED that the amendments on SJ page 393 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2159: A BILL for an Act to create and enact subsection 11 to section 39-24-09 of the North Dakota Century Code, relating to liability insurance for snowmobiles; to amend and reenact subsection 38 of section 39-01-01 and section 39-24-11 of the North Dakota Century Code, relating to the definition of a motor vehicle and liability insurance for snowmobiles; 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, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Cook

REQUEST

SEN. COOK REQUESTED the record reflect his intention to vote YEA on Engrossed SB 2159, which request was granted.

Therefore, the final vote on Engrossed SB 2159 was 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

Engrossed SB 2159 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2160: SEN. COOK (Transportation Committee) MOVED that the amendments on SJ pages 393-400 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2160: A BILL for an Act to create and enact a new subsection to section 20.1-02-15.1 and chapter 39-24.1 of the North Dakota Century Code, relating to implied consent for snowmobile operators; to amend and reenact subdivision c of subsection 5 of section 39-24-09 of the North Dakota Century Code, relating to driving a snowmobile while under the influence of an intoxicating liquor or drug; 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; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja;

Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed SB 2160 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2173: SEN. FREBORG (Education Committee) MOVED that the amendments on SJ pages 400-402 be adopted and then be placed on the Eleventh order with **DO PASS**.

REQUEST

SEN. FREBORG REQUESTED that the question of the adoption of the amendments to SB 2173 be divided to have the sections voted on separately in the following manner, which request was granted.

DIVISION A: Section 2 of the proposed amendments.

DIVISION B: The remainder of the proposed amendments.

The question being on the motion to adopt Division A of the proposed amendments to SB 2173, the motion failed on a voice vote.

The question being on the motion to adopt Division B of the proposed amendments to SB 2173, the motion passed on a verification vote.

Therefore, the proposed amendments to SB 2173, excluding Division A and including Division B, were adopted. Engrossed SB 2173 was placed on the Eleventh order for immediate second reading and final passage.

SECOND READING OF SENATE BILL

SB 2173: A BILL for an Act to amend and reenact sections 15-40.1-09, 15-47-04, and 15-47-33 of the North Dakota Century Code, relating to the length of the school term.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 32 YEAS, 17 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Kinnoin; Klein; Krebsbach; Kringstad; LaFountain; Lee; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Watne

NAYS: DeMers; Heitkamp; Holmberg; Kelsh; Krauter; Lindaas; Lips; Mathern; Mutzenberger; Nelson, C.; Redlin; Robinson; Tallackson; Thompson; Tomac; Wogsland; Yockim

Engrossed SB 2173 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2188: SEN. COOK (Transportation Committee) MOVED that the amendments on SJ page 402 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2188: A BILL for an Act to create and enact a new section to chapter 19-10 of the North Dakota Century Code, relating to used oil disposal notices; 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 18 YEAS, 31 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Holmberg; Kinnoin; Krauter; LaFountain; Lee; Nalewaja; Nelson, C.; Sand; St. Aubyn; Stenehjem, W.; Tallackson; Tomac; Traynor; Watne; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Kelsh; Klein; Krebsbach; Kringstad; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Schobinger; Solberg; Stenehjem, B.; Thane; Thompson; Urlacher; Wanzek

Engrossed SB 2188 lost.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 10:20 a.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Holmberg presiding.

CONSIDERATION OF AMENDMENTS

SB 2193: SEN. THANE (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 402 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2193: A BILL for an Act to amend and reenact sections 12.1-31-03 and 27-20-10 of the North Dakota Century Code, relating to the sale of tobacco to minors and prohibiting the use of tobacco by minors; 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 22 YEAS, 27 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Grindberg; Holmberg; Krebsbach; Kringstad; Lee; Lindaas; Mathern; Mutzenberger; Nelson, C.; Nething; Redlin; Robinson; St. Aubyn; Stenehjem, W.; Thane; Thompson; Traynor; Wanzek; Watne; Yockim

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; LaFountain; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; O'Connell; Sand; Schobinger; Solberg; Stenehjem, B.; Tallackson; Tomac; Urlacher; Wogsland

Engrossed SB 2193 lost.

CONSIDERATION OF AMENDMENTS

SB 2200: SEN. LEE (Political Subdivisions Committee) MOVED that the amendments on SJ pages 403-408 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2200: A BILL for an Act to create and enact sections 40-51.2-02.1, 40-51.2-02.2, and 40-51.2-07.1 of the North Dakota Century Code, relating to annexation agreements, annexation of land in another city's extraterritorial zoning area, and the mediation of city annexations; to amend and reenact sections 40-51.2-05, 40-51.2-06, 40-51.2-07, 40-51.2-08, 40-51.2-09, 40-51.2-11, 40-51.2-12, 40-51.2-13, 40-51.2-14, 40-51.2-15, 40-51.2-16, and 40-51.2-17 of the North Dakota Century Code, relating to the annexation of property to a city; and to repeal section 40-51.2-10 of the North Dakota Century Code, relating to the composition of the annexation review commission.

ROLL CALL

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

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

Engrossed SB 2200 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that SB 2384 be moved to the top of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2384: SEN. LEE (Political Subdivisions Committee) MOVED that the amendments on SJ pages 423-426 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2384: A BILL for an Act to amend and reenact sections 40-47-01.1 and 40-48-18 of the North Dakota Century Code, relating to extraterritorial zoning and subdivision regulation authority of cities.

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; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nothing; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed SB 2384 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2214: SEN. NETHING (Appropriations Committee) MOVED that the amendments on SJ pages 408-409 be adopted and then be placed on the Eleventh order with **DO PASS**.

REQUEST

SEN. HEITKAMP REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2214, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to SB 2214, the roll was called and there were 29 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Klein; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nothing; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek

NAYS: Berg; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac; Watne; Wogsland; Yockim

The motion to adopt the amendments to SB 2214 passed. Engrossed SB 2214 was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2214: A BILL for an Act to amend and reenact section 54-06-20 of the North Dakota Century Code, relating to the composition of the indigent civil legal services fund advisory committee and to the permissible uses and limitations on funds distributed by the committee; and to provide an appropriation to the indigent civil legal services fund.

ROLL CALL

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

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nothing; O'Connell; Redlin; Robinson; Sand; Schobinger;

Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed SB 2214 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2226: SEN. THANE (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 409-410 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2226: A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to licensing of marriage and family therapists; 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 21 YEAS, 28 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Fischer; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Lee; Lindaas; Lips; Mathern; Nelson, C.; Nelson, G.; Schobinger; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Traynor; Urlacher; Watne; Wogsland

NAYS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; Kringstad; LaFountain; Mutch; Mutzenberger; Naaden; Nalewaja; Nething; O'Connell; Redlin; Robinson; Sand; Solberg; Stenehjem, B.; Thompson; Tomac; Wanzek; Yockim

Engrossed SB 2226 lost.

CONSIDERATION OF AMENDMENTS

SB 2231: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 410 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2231: A BILL for an Act to create and enact a new section to chapter 28-21 of the North Dakota Century Code, relating to execution on money retained pursuant to garnishment; and to amend and reenact sections 32-09.1-02, 32-09.1-04, 32-09.1-06, 32-09.1-07, 32-09.1-08, 32-09.1-22, and 32-09.1-23 of the North Dakota Century Code, relating to garnishment proceedings and claims of exemptions.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 27 YEAS, 21 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; Freborg; Goetz; Grindberg; Kinnoin; Klein; Krebsbach; Lee; Lindaas; Lips; Mathern; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wogsland; Yockim

NAYS: DeMers; Fischer; Heitkamp; Kelsh; Krauter; Kringstad; LaFountain; Mutzenberger; Naaden; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Traynor; Watne

ABSENT AND NOT VOTING: Holmberg

ANNOUNCEMENT

PRESIDENT PRO TEM HOLMBERG ANNOUNCED that he had intended to vote NAY on Engrossed SB 2231. Therefore, the final vote was 27 YEAS, 22 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

Engrossed SB 2231 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2248: SEN. THOMPSON (Natural Resources Committee) MOVED that the amendments on SJ pages 411-412 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2248: A BILL for an Act to create and enact a new chapter to title 35 of the North Dakota Century Code, relating to creation and enforcement of liens on property in self-service storage 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; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed SB 2248 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2264: SEN. MUTCH (Transportation Committee) MOVED that the amendments on SJ page 412 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2264: A BILL for an Act to provide for exemptions from hours of service provisions for intrastate commercial drivers; 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; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Kringstad

Engrossed SB 2264 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2269: SEN. WOGSLAND (Transportation Committee) MOVED that the amendments on SJ pages 412-413 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2269: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to license plates for law enforcement vehicles; and to amend and reenact subdivision b of subsection 2 of section 39-04-18 of the North Dakota Century Code, relating to motor vehicles exempt from registration.

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; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja;

Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed SB 2269 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2295: SEN. KLEIN (Agriculture Committee) MOVED that the amendments on SJ page 413 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2295: A BILL for an Act to amend and reenact subsection 1 of section 41-09-16 and section 41-09-41 of the North Dakota Century Code, relating to real estate descriptions in financing statements covering crops.

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; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Stenehjem, W.

Engrossed SB 2295 passed and the title was agreed to.

MOTION

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

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

CONSIDERATION OF AMENDMENTS

SB 2300: SEN. B. STENEHJEM (Transportation Committee) MOVED that the amendments on SJ page 413 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2300: A BILL for an Act to create and enact a new section to chapter 39-12 of the North Dakota Century Code, relating to enforcement of size and weight restrictions on motor vehicles.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 16 YEAS, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Heitkamp; Kelsh; Kinnoin; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tomac; Wogsland; Yockim

NAYS: Andrist; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Klein; Krauter; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: Bowman

Engrossed SB 2300 lost.

CONSIDERATION OF AMENDMENTS

SB 2302: SEN. DEMERS (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 413-414 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2302: A BILL for an Act to amend and reenact section 16.1-07-05 of the North Dakota Century Code, relating to applying for an absentee ballot.

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

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Redlin

Engrossed SB 2302 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2306: SEN. FREBORG (Education Committee) MOVED that the amendments on SJ page 414 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2306: A BILL for an Act to allow school districts to impose income taxes with voter approval for payment of principal and interest on bonds.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 23 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Fischer; Freborg; Grindberg; Kelsh; Klein; Krebsbach; Lee; Lindaas; Lips; Naaden; Nelson, G.; Robinson; Sand; Schobinger; Solberg; Tallackson; Thane; Traynor; Wanzek; Watne; Wogsland

NAYS: Berg; Cook; DeMers; Goetz; Heitkamp; Holmberg; Kinnoin; Krauter; Kringstad; LaFountain; Mathern; Mutch; Mutzenberger; Nalewaja; Nelson, C.; Nething; O'Connell; Redlin; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thompson; Tomac; Urlacher; Yockim

ABSENT AND NOT VOTING: Bowman

Engrossed SB 2306 lost.

MOTION

SEN. G. NELSON MOVED that a committee of two be appointed to escort the Honorable Senator Byron Dorgan to the lectern to address the Senate, which motion prevailed.

PRESIDENT MYRDAL APPOINTED Sens. Krauter and Goetz to a committee to escort the Honorable Senator Byron Dorgan to the lectern.

REMARKS OF THE HONORABLE SENATOR BYRON DORGAN

Members of the Senate, I am pleased to be invited to say a few words today. As I walked in the door I couldn't help but recall stretching across the back rail there when I was working here in the state capitol trying to figure out what Senator Lips was going to do at the back rail in that same seat. It's nice to see friendly faces and familiar faces. I know that you're involved in frenetic activity. Unlike the U.S. Senate where, when you're recognized, you have a right to be on your feet and speak as long as you can possibly speak and no one can take the floor from you, I just observed your consideration of a bill here with short, crisp, to the point statements on both sides of the aisle. I thought, gosh, we could maybe transport some of that procedure to

Washington and cut that session down, so maybe it will end in May. Not likely to happen, however.

The desk I have in the U.S. Senate was once occupied by the great populist Robert LaFollette from Wisconsin. They carved their initials inside the desk drawer. Not a practice we recommend to school kids, but it's been a practice in the Senate for some long while. When I open my drawer of the desk I'll have permanently, it says Robert LaFollette. I told that to Senator Berg from West Virginia, and he said do you know the story about that desk? He said Robert LaFollette was filibustering in the U.S. Senate one day. He sent a page down to get a turkey sandwich and a glass of egg nog. The page went down to the restaurant, came back up with a turkey sandwich and a glass of egg nog. Senator LaFollette was holding forth and bellowing out and would occasionally reach down and take a little nip off his turkey sandwich and then took a sip of his egg nog and spit it out and screamed "Poisoned! I've been poisoned!" It turned out they sent the rest of the egg nog away to be analyzed, and somebody had laced his egg nog with sufficient poison to have killed him had he taken it all. This was almost a century ago. They never found out who did that, by the way. And I've had no inclination or urge to filibuster at that desk since I heard that story, and may not ever!

For all of the fun that we poke at ourselves, those of us in politics, Republicans and Democrats, and for all the times that most of the people look at us as a bunch of folks in blue suits who are largely windbags, all of us who are involved in public service know that the legislative process is the way we govern ourselves. We answer tough questions, and have for two centuries. In a representative government we make decisions about which direction this country moves and what is the right choice on a wide range of public policy questions. I have found in the U.S. Congress, and I knew when I was here in the capitol, that the people who work in the legislative process, in all of government for that matter, in the executive branch as well, are some of the hardest working, honest, most caring people that I've ever had the opportunity to serve with. I think that Clarence Martin, for example, who tragically died in recent days, was a wonderful example of a commitment to public service for a lifetime, and it represents the best of what we are as a country.

The question at the end of the day for all of us is for families to be able to sit around at the supper table and answer the questions: Are our kids going to good schools, and if not, what can we do to improve our schools? If they are, what can we do to strengthen our schools? Will grandma have access to health care? Will our kids have access to good health care? Will our son or daughter be able to find a decent job? Are our streets and neighborhoods safe? Do we have clean air and clean water? Can we afford to buy a house? Those are the questions that people ask in their families. And the answer to many of the questions rests in the area of good public policy. After all, the question of schools and where we send our kids most of the day when they are kids, is a question that we don't deal with much in Washington, D.C. Local school boards determine what kind of schools we have. And the state legislature has an especially significant role in those kinds of questions.

We have very significant, and in my judgment, special challenges as a small state. Large geography, not so many people. Those challenges include education, jobs, and a number of other issues. In the area of education, you know I graduated from a school with nine members in the senior class. I'm sure many of you came from the same kind of school. We didn't have a library bigger than the size of a coat closet, but, now with the internet, Regent, if it has an on-and-off ramp on the information superhighway, can access the biggest library in the world, and can do it just like that. We're nearing, I'm told, the capability of storage density in computer technology. The president of IBM said this recently, that they're nearing the capability of research so that one day, not too long from now, you will be able to carry in your pocket a wafer, the size of a penny, that will contain all fourteen million volumes of work in the library of Congress, which is the largest amount of recorded knowledge in human history. Think of that. What will that mean to a young student in Regent or Grenora or Minto? A wafer the size of a penny containing fourteen million volumes of work! The largest volume of information ever recorded in human history in one place and you carry it about on a penny. Think of what that does with respect to education policy.

You debate funding, just as we debate funding, in some areas of Pell Grants, student loans, and Title I and so on in Congress. This morning on the car radio, when they told of the salary and bonus of a football player, I was thinking, when Shaquille O'Neil was renegotiating his salary, about the issue of priorities in our country. Shaquille O'Neil apparently signed to play basketball for the Los Angeles Lakers. He is 7'2" tall, apparently a wonderful athlete who can dunk a basketball, and has marvelous athletic abilities. He signed a contract for \$115 million, which paid for a 7'2" fellow dunk a basketball. It would have paid for four thousand elementary school teachers. The question of priorities in the public sector and private sector is what we're all about. What are our priorities? How much do we commit to these issues?

Jobs, especially in a state like North Dakota, we're concerned about creating an environment for good jobs. With farmers and ranchers that means decent prices. Decent prices means economic opportunity. You'll see activity in every town in this state if we've got decent grain prices and decent cattle prices. In North Dakota we have eleven counties that are growing and forty-two counties that are shrinking. If you'll permit me just for a moment, I think a couple of people here represent Slope County, and I come from Hettinger County which is a neighbor to Slope County so I'll use Slope County as an example because it's the size of the state of Rhode Island and has fewer than a thousand residents. Last year they had 11,000 births in Slope County. They had 7,900 calves. They had 2,500 piglets. They had 1,300 lambs and seven children. There just aren't a lot of people claiming maternity benefits on medicare. You know the average age in some of our rural counties is sufficiently high and is increasing so that we don't see many births in these counties. The result is 42 counties in North Dakota are shrinking. The question for all of us is what kind of magnets do we develop? Obviously, jobs. What kind of magnets and jobs do we develop to bring people back into rural counties and reverse their economic fortunes? There are two experiments ongoing in North Dakota called REAP, Regional Economic Area Partnerships. I created REAP about three years ago with the administration. It's eight counties in north central North Dakota and eight counties in south central North Dakota. We're trying to see: If you take an experiment with regions, all of which are suffering the same problem of massive out-migration of people (Hettinger County, 5,000 population, 25 years ago, 3,000 population today), is there a way to create magnets to produce jobs to bring people back into our rural counties? Yes, better grain prices and better cattle prices, hopefully from the market, but the market seems almost rigged these days. We've got much stronger economic enterprises on the side of lower prices than higher prices when you're talking about grain. Grocery manufacturers want lower prices, grain traders largely want lower prices, the millers want lower prices, and the tens of thousands of disbursed family farmers do not have the economic clout to succeed in winning that economic battle. So if we can get better prices we will see a resurrection of economic activity all across our state. But the question is more than that, the question is how do we find circumstances by which we provide new magnets for new job opportunities in Hettinger and Slope counties and many of your home counties as well so that we can share those opportunities and that we will see growth and expansion in all parts of North Dakota?

And finally the issue of deregulation. There's a lot of talk among all of us in politics about regulations. Regulation is bad we're told. Deregulation is bad if you have a monopoly. When I came to the airport this morning to catch a plane, I discovered by listening to the news on the radio and an advertisement, that I could have flown to London for half the price I flew to Bismarck, North Dakota. Now why would that be the case? Or I could have flown from Washington, D.C., to Los Angeles, twice as far for half the price. Why would that be the case? Because we have in the area of deregulation a monopoly. We don't have two or three major carriers. We have one. They tell us what the price is and we pay it. If I'd heard an advertisement on the radio, I didn't, but if I had, about grain, I would have been told that if you put a carload of wheat on the track in Bismarck and ship it to Minneapolis, they're going to charge us \$2,300. Put the same carload of wheat on the track in Minneapolis and ship it to Chicago the price isn't \$2,300 that the North Dakotans paid, it's \$1,000. Why do they charge us more than double? Because under the era of deregulation we still have a monopoly and monopolies charge what the market will bear. When you don't have competition as a price mechanism to regulate competitive behavior, the consumer ends up paying the price. In the area of deregulation, railroads, airlines, and yes, phones, as you were debating, we need to be very careful that we not talk about deregulating circumstances where competition doesn't exist. All that will mean is higher prices for consumers. When competition, robust competition exists, then let it all go. Because competition will be the regulator that drives down prices.

Finally, on the issue of deregulation and devolution, we are told by friends in the U.S. Congress that the highway bill ought to be one that says the federal government will not be involved in highways anymore. We'll just have the states raise their gas tax and we will repeal the federal gas tax and that's the way we'll handle the highway program. Do you know what that would mean for North Dakota? You would have to raise the gas tax twenty-seven cents a gallon in order to recover what we now get from the federal highway program. I'm not somebody who's embarrassed or who believes that we ought to be uncomfortable about receiving a \$1.80 for every dollar we send in for the highway bill. When people want to ship fresh shrimp from Boston to Seattle or fresh fruit on the way back, they don't want to drive on two-lane roads in the middle of the country. That's precisely why we have a national highway system. When a state like ours that is ten times the size of Massachusetts, but has only a population of 640,000 with which to raise the funds to create and maintain a road network which is a part of an international or national highway system, we should expect to receive more back than we send in. We don't have the tax base to generate the kind of money that Florida might have or a more densely populated state might have. In fact, look at it a different way. We spend twice as much per North Dakotan on gas tax as a New Yorker does. So when people say, well, somehow it's unfair you're getting too much back, I say take a look at what we pay. We pay twice as much per person. Why? because we drive more. Because we have vast expanses in

our state that we must travel for recreation and for commercial purposes. We're going to have a devil of a fight over the highway issue this year and the outcome of it is going to have a significant impact on the work that you do and the terrific work that is done in North Dakota to try to build and maintain roads and bridges. And I'm not uncomfortable a bit saying that you know the decisions that were made earlier in this country still apply. Can you imagine Dwight Eisenhower and Sam Rayburn sitting around thinking about this interstate highway system they wanted to build in the 1950s? Can you imagine them saying, well, how on earth are you going to justify to anybody building an interstate highway from Fargo, North Dakota, to Beach. Look at how many people you have up there! You can't justify spending that money. But the answer was yes, of course you can if you're going to have a national highway network, you have to build it everywhere! That's what the debates still ought to be. That decision was sound in the 1950s and we have not let anybody suggest that it's not sound today. We will not be uncomfortable in this fight saying that we're a big state with a small population. We expect, demand, and deserve an opportunity to get sufficient funding to maintain the roads that are necessary in a national transportation system.

And finally, we face probably the most significant water issues that we have faced in many, many, many decades in this state - Devils Lake, and of course, the fight over Garrison. On Devils Lake I know the work that you're doing on a bipartisan basis and the work all of us have done on a bipartisan basis to deal with this crisis in that basin trying to mitigate damages, raise roads, extend dikes, and a whole range of other issues. But the fact is, we may be in a circumstance where we can't control acts of nature that are pouring more and more water into that basin and causing more and more flooding. If we had an outlet up and operating today, operating as much as you could operate it, it would take one foot off the lake in a year, maybe a foot and half. Maybe we can argue about that but this lake raised 15 feet in three and a half years. Fact is, we're going to have to decide that all of us have to continue to work together as hard as we can to mitigate damages first of all. We have spent \$80 million of federal money up in that basin already on mitigation, but we also have to try to make sure that we move forward to get some kind of an outlet, to get some more upper basin storage, and do the range of things all of which together might minimize the problem we face. But we all ought to understand, as well, that we face a crisis together that we may not be able to control. And so, we must for the sake of those folks in that basin who have substantial losses, continue to work very hard on that issue.

Finally, Garrison Diversion. Your leaders came to Washington, D.C.. We had a negotiating session, and there are more negotiating sessions ongoing. President Clinton talks about the bridge to the future and someone said we have to be talking about the ditch of the future. Garrison Diversion is something that we've talked about for decades. We need to make this final push to get it done. That means getting Missouri River Basin water to eastern North Dakota. It means fulfilling the dream of a series of promises that were made to our state and might not be accomplishable, again, demanding that those who made promises to us meet those promises.

I'd like to conclude this, and tell you that during discussion on the last bill I was thinking about a piece of legislation I got passed last year. It's a legislation that deals with organ donation. There are fifty thousand people in this country that need hearts and livers and kidneys and so on. Three thousand die every year because they are not available. Eight die every day because they didn't get a heart or a liver or a kidney or some other needed organ. There are plenty available but people don't know, when tragedy strikes, how to donate the organs. So last year when the income tax refunds came out I saw there was a little card stuck in with the refund that said "Here's how you can buy a commemorative olympic coin," and I thought "Well, I don't want a commemorative coin." So I threw it away, but then I got to thinking, maybe we could save some lives by putting in a donor card. So there are seventy million cards that are going to go out now with the seventy million income tax refunds starting two weeks ago. This is the card and it's from a piece of legislation I got passed last year and it is an organ donor card that tells you how to alert your family to your wishes, and it's going to save some lives. It doesn't mean very much, not a very big deal, but it's going to save some people's lives. It's kind of a nice thing. When I introduced this, I wrote this piece of legislation and introduced it with some colleagues and Strom Thurmond came to my press conference. Strom Thurmond is 93 years old and he signed an organ donor card. He says "I don't know whether I've got anything anybody might want, but when I'm gone they're sure welcome to it." You know, that was the spirit of all of this and I was thinking, can you imagine the doctor coming into the room and saying to the patient, given Strom's situation, saying to the patient "We've got wonderful news for you, we just found a heart, it's a 1903 model!" In the Senate, some of you see C-span too, when the Senate is in a quorum call, which is when we don't have business we go and do a quorum call and they put on classical music and on the bottom it says what you're doing. When I introduced this one day in the Senate, my wife was channel surfing and she came to C-span too and the music was playing and it said "The Senate is in a quorum call" and then on the bottom it said "The Senate is currently debating the Dorgan Organ Bill." So it's now law and this is the kind of thing that I think is going to save some lives. I know that

every day you work on a lot of things that might not seem like very much but when they on the law books, they are going to affect men and women and children in North Dakota. Hopefully it will make North Dakota a better place in which to live. I think this is a wonderful state. I'm enormously proud of what you do on a bipartisan basis. You know, politics, it seems to me, isn't created for all of us to fight like the devil, day after day. It's for us to come together with similar goals but different ways of reaching those goals and finding compromises and doing what is an honorable thing. I'm proud every day and feel gratified every day for the opportunity to serve this state and I'm also proud that I'm part of a group that includes men and women in the state Senate that serves North Dakota. Thank you very much.

REQUEST

SEN. G. NELSON REQUESTED that the remarks of the Honorable Senator Byron Dorgan be printed in the Journal, which request was granted.

CONSIDERATION OF AMENDMENTS

SB 2315: SEN. SAND (Agriculture Committee) MOVED that the amendments on SJ page 414 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2315: A BILL for an Act to create and enact a new section to chapter 4-35 of the North Dakota Century Code, relating to proof of financial responsibility for persons engaged in aerial commercial chemical application; 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 43 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Andrist; Kinnoin; Mutch; O'Connell; Solberg

ABSENT AND NOT VOTING: Bowman

Engrossed SB 2315 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2321: SEN. ST. AUBYN (Appropriations Committee) MOVED that the amendments on SJ pages 414-415 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2321: A BILL for an Act to amend and reenact section 12-48-03.3 of the North Dakota Century Code, relating to interest on the roughrider industries' operating fund; and to provide a continuing 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bowman

Engrossed SB 2321 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2324: SEN. WANZEK (Agriculture Committee) MOVED that the amendments on SJ page 415 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2324: A BILL for an Act to amend and reenact sections 35-30-01, 35-30-02, 35-31-01, and 35-31-02 of the North Dakota Century Code, relating to the filing of agricultural processor's liens and agricultural supplier's liens.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; LaFountain; Redlin; Stenehjem, W.

Engrossed SB 2324 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2327: SEN. COOK (Transportation Committee) MOVED that the amendments on SJ pages 415-416 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2327: A BILL for an Act to amend and reenact subsection 9 of section 47-30.1-01 and section 47-30.1-14 of the North Dakota Century Code, relating to gift certificates and the definition of intangible property under the Uniform Unclaimed Property Act.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 31 YEAS, 15 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Christmann; Cook; Fischer; Goetz; Grindberg; Heitkamp; Klein; Kringstad; LaFountain; Lips; Mathern; Mutch; Mutzenberger; Nalewaja; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Tallackson; Thompson; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: DeMers; Freborg; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Lee; Lindaas; Nelson, C.; Stenehjem, B.; Stenehjem, W.; Thane; Tomac; Yockim

ABSENT AND NOT VOTING: Bowman; Naaden; Redlin

Engrossed SB 2327 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2328: SEN. GRINDBERG (Political Subdivisions Committee) MOVED that the amendments on SJ page 416 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2328: A BILL for an Act to amend and reenact subdivision e of subsection 4 of section 49-23-03 of the North Dakota Century Code and section 9 of chapter 455 of the 1995 Session Laws, relating to the effective date for the one-call excavation notice system.

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

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Naaden; Redlin

Engrossed SB 2328 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2333: SEN. LINDAAS (Transportation Committee) MOVED that the amendments on SJ pages 416-417 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2333: A BILL for an Act to create and enact a new section to chapter 24-05 of the North Dakota Century Code, relating to obstructions on a county or township road right of way.

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

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Mutzenberger; Redlin

Engrossed SB 2333 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2351: SEN. FREBORG (Natural Resources Committee) MOVED that the amendments on SJ page 417 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2351: A BILL for an Act to amend and reenact section 38-16-01.1 of the North Dakota Century Code, relating to gravel and sand surface mining operations and reclamation.

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

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Redlin

Engrossed SB 2351 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2352: SEN. WOGSLAND (Transportation Committee) MOVED that the amendments on SJ page 417 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2352: A BILL for an Act to amend and reenact subsection 1 of section 39-06.1-06, sections 39-06.1-08, and 39-12-03 of the North Dakota Century Code, relating to penalties for nonmoving violations and weight restriction violations for vehicles; and to provide a penalty.

MOTION

SEN. B. STENEHJEM MOVED that Engrossed SB 2352 be amended as follows, which motion prevailed.

Page 1, line 1, remove ", sections"

Page 1, line 2, remove "39-06.1-08, and 39-12-03" and replace "penalties" with "fees"

Page 1, line 3, remove "and weight restriction violations for vehicles; and to provide a penalty"

Page 1, line 7, remove "not less than"

Page 1, line 8, overstrike "ten" and insert immediately thereafter "any amount not to exceed twenty" and remove "nor more than twenty dollars"

Page 1, remove lines 9 through 23

Page 2, remove lines 1 through 13

Renumber accordingly

SB 2352: A BILL for an Act to amend and reenact subsection 1 of section 39-06.1-06 of the North Dakota Century Code, relating to fees for nonmoving violations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 22 YEAS, 24 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Cook; Fischer; Goetz; Grindberg; Klein; Kringstad; Lee; Lindaas; Lips; Nalewaja; Nelson, G.; O'Connell; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Traynor; Urlacher; Watne

NAYS: Berg; Freborg; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; LaFountain; Mathern; Mutch; Mutzenberger; Naaden; Nelson, C.; Nething; Robinson; Sand; Solberg; Thane; Thompson; Tomac; Wanzek; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; DeMers; Redlin

Reengrossed SB 2352 lost.

CONSIDERATION OF AMENDMENTS

SB 2353: SEN. KRAUTER (Appropriations Committee) MOVED that the amendments on SJ pages 417-418 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2353: A BILL for an Act to create and enact two new sections to chapter 57-40.6 and a new subsection to section 57-40.6-08 of the North Dakota Century Code, relating to a wireless 911 service fee, liability, and an emergency services communication system advisory committee for 911; and to amend and reenact sections 57-40.6-01, 57-40.6-05, and 57-40.6-06 of the North Dakota Century Code, relating to wireless 911 telephone service.

ROLL CALL

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

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Wanzek; Watne; Wogsland

NAYS: Kinnoin; O'Connell; Tomac; Urlacher; Yockim

ABSENT AND NOT VOTING: Bowman; Redlin

Engrossed SB 2353 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 3:20 p.m., which motion prevailed.

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

CONSIDERATION OF AMENDMENTS

SB 2366: SEN. GOETZ (Appropriations Committee) MOVED that the amendments on SJ page 418 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2366: A BILL for an Act to provide for deposit of certain oil extraction and oil and gas gross production tax excess revenues into a permanent oil tax trust fund and deposit of interest earned on the fund to the general fund; 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 31 YEAS, 16 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

NAYS: Berg; DeMers; Heitkamp; Kelsh; Krauter; LaFountain; Lindaas; Lips; Mathern; Mutzenberger; Nelson, C.; Robinson; Tallackson; Thompson; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Redlin

Engrossed SB 2366 passed, the title was agreed to, but the emergency clause lost for lack of two-thirds majority.

CONSIDERATION OF AMENDMENTS

SB 2367: SEN. B. STENEHJEM (Transportation Committee) MOVED that the amendments on SJ pages 418-419 be adopted and then be placed on the Eleventh order with **DO NOT PASS**.

REQUEST

SEN. O'CONNELL REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2367, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to SB 2367, the roll was called and there were 25 YEAS, 23 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Klein; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Thane; Traynor; Urlacher

NAYS: Berg; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Sand; Stenehjem, W.; Tallackson; Thompson; Tomac; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman

The motion to adopt the amendments to SB 2367 passed. Engrossed SB 2367 was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2367: A BILL for an Act to create and enact two new sections to chapter 19-10 of the North Dakota Century Code, relating to oxygenated gasoline; and to amend and reenact sections 19-10-01 and 57-43.1-03.1 of the North Dakota Century Code and to amend and reenact section 2 of chapter 576 of the 1995 Session Laws, relating to petroleum products definitions and ethanol plant production incentives.

ROLL CALL

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

NAYS: Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nothing; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman

Engrossed SB 2367 lost.

CONSIDERATION OF AMENDMENTS

SB 2368: SEN. KREBSBACH (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 419-421 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2368: A BILL for an Act to create and enact a new section to chapter 16.1-03 of the North Dakota Century Code, relating to political party organization; to amend and reenact sections 16.1-03-01, 16.1-03-02, 16.1-03-03, 16.1-03-07, 16.1-03-08, 16.1-03-11, 16.1-03-12, 16.1-03-14, and 16.1-11-30 of the North Dakota Century Code, relating to political party organization; and to repeal sections 16.1-03-04, 16.1-03-06, 16.1-03-09, 16.1-03-10, 16.1-03-13, 16.1-03-16, and 16.1-03-18, relating to political party organization.

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; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nothing; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman

Engrossed SB 2368 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2371: SEN. TRAYNOR (Appropriations Committee) MOVED that the amendments on SJ pages 421-422 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2371: A BILL for an Act to create and enact a new subsection to section 57-51.1-03 of the North Dakota Century Code, relating to an oil extraction tax exemption for initial production from wells on tribal trust lands; 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 47 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Cook

ABSENT AND NOT VOTING: Bowman

Engrossed SB 2371 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2374: SEN. KINNOIN (Agriculture Committee) MOVED that the amendments on SJ pages 422-423 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2374: A BILL for an Act to create and enact two new sections to chapter 15-08 of the North Dakota Century Code, relating to agricultural land controlled by the board of university and school lands.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 22 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Kelsh; Kinnoin; Klein; Krauter; Kringstad; Lee; Lindaas; Mathern; Mutch; Naaden; Nelson, G.; Nething; Sand; Solberg; Tallackson; Thompson; Tomac; Traynor; Urlacher; Wogsland

NAYS: Berg; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Krebsbach; LaFountain; Lips; Mutzenberger; Nalewaja; Nelson, C.; O'Connell; Redlin; Robinson; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Wanzek; Watne; Yockim

ABSENT AND NOT VOTING: Bowman

Engrossed SB 2374 lost.

MOTION

SEN. KREBSBACH MOVED that the Senate reconsider its action whereby Reengrossed SB 2352 failed to pass, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2352: A BILL for an Act to amend and reenact subsection 1 of section 39-06.1-06 of the North Dakota Century Code, relating to fees for nonmoving violations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 28 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Cook; Fischer; Goetz; Grindberg; Holmberg; Klein; Krebsbach; Kringstad; Lee; Lindaas; Mutzenberger; Nalewaja; Nelson, G.; Nething; Robinson; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Traynor; Urlacher; Wanzek; Watne; Yockim

NAYS: Berg; DeMers; Freborg; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lips; Mathern; Mutch; Naaden; Nelson, C.; O'Connell; Redlin; Sand; Solberg; Thompson; Tomac; Wogsland

ABSENT AND NOT VOTING: Bowman

Reengrossed SB 2352 passed and the title was agreed to.

MOTION

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

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

CONSIDERATION OF AMENDMENTS

SB 2380: SEN. WOGSLAND (Transportation Committee) MOVED that the amendments on SJ page 423 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2380: A BILL for an Act to create and enact a new subsection to section 32-03.2-11 of the North Dakota Century Code, relating to exemplary damages in civil actions for accidents involving a motor vehicle operated by a person while under the influence of alcohol or a controlled substance.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 34 YEAS, 14 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Berg; Christmann; DeMers; Fischer; Goetz; Grindberg; Holmberg; Klein; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mathern; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Wanzek; Watne; Yockim

NAYS: Andrist; Cook; Freborg; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Mutch; Sand; Solberg; Tomac; Urlacher; Wogsland

ABSENT AND NOT VOTING: Bowman

Engrossed SB 2380 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2021: A BILL for an Act to amend and reenact section 32-12.1-08, subsection 70 of section 40-05-01, sections 40-46-02, 40-46-26, 40-48-07, subsection 13 of section 40-49-12, sections 40-55-09, 49-17.2-21, subsection 3 of section 52-09-08, sections 57-15-01.1, 57-15-06, 57-15-06.4, 57-15-06.6, 57-15-08, 57-15-10.1, 57-15-12, 57-15-12.1, 57-15-12.2, 57-15-12.3, 57-15-27.1, 57-15-27.2, 57-15-28.1, 57-15-37, 57-15-53, 57-15-60, and 61-04.1-26 of the North Dakota Century Code, relating to consolidation of property tax levy authority of park districts, cities, and counties; to repeal subsections 18, 19.1, 20, and 21 of section 57-15-06.7 and subsections 12 and 14 of section 57-15-10 of the North Dakota Century Code, relating to property tax levy authority of cities and counties; to provide for transition; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 31 YEAS, 17 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; DeMers; Fischer; Goetz; Grindberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mathern; Mutzenberger; Nalewaja; Nelson, C.; Nething; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Watne; Yockim

NAYS: Christmann; Cook; Freborg; Heitkamp; Holmberg; Kinnoin; LaFountain; Mutch; Naaden; Nelson, G.; O'Connell; Redlin; Solberg; Stenehjem, B.; Tomac; Wanzek; Wogsland

ABSENT AND NOT VOTING: Bowman

Engrossed SB 2021 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2191: A BILL for an Act to amend and reenact subsection 3 of section 57-02-08.3, sections 57-38-49, 57-38-50, subsections 3, 4, 5, and 6 of section 57-39.2-13, subsections 3, 4,

5, and 6 of section 57-40.2-16, subsections 2, 3, and 4 of section 57-40.3-07.1, subsections 3, 4, and 6 of section 57-43.1-17.4, and subsections 3, 4, and 6 of section 57-43.2-16.3 of the North Dakota Century Code, relating to filing of tax liens; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Stenehjem, W.

Engrossed SB 2191 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2343: A BILL for an Act to amend and reenact subsection 18 of section 65-01-02 of the North Dakota Century Code, relating to the presumption that certain conditions are related to a firefighter's or a law enforcement officer's work for purposes of workers' compensation coverage.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Cook; DeMers; Fischer; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Watne; Wogsland; Yockim

NAYS: Christmann; Freborg; Kinnoin; Schobinger; Solberg; Urlacher; Wanzek

ABSENT AND NOT VOTING: Bowman

Reengrossed SB 2343 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2359: A BILL for an Act to amend and reenact section 14-03-09 of the North Dakota Century Code, relating to the persons who may solemnize a marriage.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 40 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Christmann; DeMers; Fischer; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutzenberger; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Cook; Freborg; Klein; Mutch; Naaden; Schobinger; Solberg

ABSENT AND NOT VOTING: Bowman; Redlin

Engrossed SB 2359 passed and the title was agreed to.

MOTION

SEN. W. STENEHJEM MOVED that SB 2291 be returned to the Senate floor from the **Judiciary Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. W. STENEHJEM REQUESTED the unanimous consent of the Senate to withdraw SB 2291. There being no objection, it was so ordered by the President.

MOTION

SEN. GOETZ MOVED that Senate Rule 507 be amended to read "thirty-third legislative day" extending the deadline for reporting bills out of committee by one more day, which motion prevailed.

MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Wednesday, February 19, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2002: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2002 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "4,765,332" with "4,721,870"

Page 1, line 15, replace "1,525,506" with "1,511,006"

Page 1, line 17, replace "342,416" with "337,405"

Page 1, line 19, replace "6,785,954" with "6,722,981"

Page 1, line 21, replace "6,776,991" with "6,714,018"

Page 2, line 1, replace "21,640,674" with "21,518,136"

Page 2, line 2, replace "8,178,820" with "8,132,820"

Page 2, line 4, replace "973,584" with "959,232"

Page 2, line 5, replace "31,448,032" with "31,265,142"

Page 2, line 7, replace "31,063,943" with "30,881,053"

Page 2, line 11, replace "13,000" with "10,000"

Page 2, line 12, replace "526,629" with "523,629"

Page 2, line 14, replace "454,629" with "451,629"

Page 2, line 15, replace "38,295,563" with "38,046,700"

Page 2, line 17, replace "38,760,615" with "38,511,752"

Page 2, after line 31, insert:

"SECTION 5. AUTHORIZED FULL-TIME EQUIVALENT LEVELS. The maximum authorized full-time equivalent levels for the 1997-99 biennium are 45.5 for the supreme court, 190.5 for the district courts, and 4.0 for the judicial conduct commission."

Page 3, line 4, replace "eighty" with "seventy-nine", replace "five" with "seven", and replace "forty-six" with "seventy-one"

Page 3, line 5, replace "eighty-three" with "eighty-two" and replace "seven" with "one"

Page 3, line 6, replace "sixty-eight" with "sixty-four"

Page 3, line 7, replace "seventy-one" with "fifty"

Page 3, line 8, replace "sixty-two" with "eighteen"

Page 3, line 13, replace "seventy-four" with "seventy-three", replace "three" with "six", and replace "thirty-one" with "sixteen"

Page 3, line 14, replace "seventy-seven" with "seventy-five" and replace "three" with "eight"

Page 3, line 15, replace "four" with "twenty-four"

Page 3, line 19, replace "sixty" with "forty-three"

Page 3, line 20, replace "eight" with "seven" and replace "thirty" with "ninety-five"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 180 - JUDICIAL BRANCH

SENATE - This amendment makes the following changes:

Supreme Court changes:

	1997-99 AGENCY REQUEST	DECREASE JUDICIAL SALARY INCREASES FROM THE 4% PER YEAR REQUESTED TO 3% PER YEAR	DECREASE TEMPORARY SALARY FUNDING	DECREASE PRINTING	TOTAL SENATE CHANGES	SENATE VERSION
Salaries and wages	\$4,765,332	\$ (14,462)	\$ (29,000)		\$ (43,462)	\$4,721,870
Operating expenses	1,525,506			\$ (14,500)	(14,500)	1,511,006
Equipment	132,700					132,700
Judges retirement	342,416	(5,011)			(5,011)	337,405
Dispute resolution options	<u>20,000</u>					<u>20,000</u>
Total all funds	\$6,785,954	\$ (19,473)	\$ (29,000)	\$ (14,500)	\$ (62,973)	\$6,722,981
Less estimated income	<u>8,963</u>					<u>8,963</u>
General fund	\$6,776,991	\$ (19,473)	\$ (29,000)	\$ (14,500)	\$ (62,973)	\$6,714,018
FTE	45.50				0.00	45.50

District court changes:

	1997-99 AGENCY REQUEST	DECREASE JUDICIAL SALARY INCREASES FROM THE 4% PER YEAR REQUESTED TO 3% PER YEAR	REMOVE JUVENILE COURT EVALUATION AND RISK AND NEEDS ASSESSMENT	TOTAL SENATE CHANGES	SENATE VERSION
Salaries and wages	\$21,640,674	\$(122,538)		\$(122,538)	\$21,518,136
Operating expenses	8,178,820		\$(46,000)	(46,000)	8,132,820
Equipment	654,954				654,954
Judges retirement	<u>973,584</u>	<u>(14,352)</u>		<u>(14,352)</u>	<u>959,232</u>
Total all funds	\$31,448,032	\$(136,890)	\$(46,000)	\$(182,890)	\$31,265,142
Less estimated income	<u>384,089</u>				<u>384,089</u>
General fund	\$31,063,943	\$(136,890)	\$(46,000)	\$(182,890)	\$30,881,053
FTE	190.50			0.00	190.50

Judicial Conduct Commission changes:

	1997-99 AGENCY REQUEST	REDUCE EQUIPMENT FUNDING	TOTAL SENATE CHANGES	SENATE VERSION
Salaries and wages	\$394,078			\$394,078
Operating expenses	119,551			119,551
Equipment	<u>13,000</u>	<u>\$(3,000)</u>	<u>\$(3,000)</u>	<u>10,000</u>
Total all funds	\$526,629	\$(3,000)	\$(3,000)	\$523,629
Less estimated income	<u>72,000</u>	<u> </u>	<u> </u>	<u>72,000</u>
General fund	\$454,629	\$(3,000)	\$(3,000)	\$451,629
FTE	4.00		0.00	4.00

The amendment also adds a section providing for the maximum authorized FTE levels for the Supreme Court, district courts, and Judicial Conduct Commission.

REPORT OF STANDING COMMITTEE

SB 2012: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2012 was placed on the Sixth order on the calendar.

Page 1, line 2, after "transportation" insert "; and to amend and reenact section 39-12-02 of the North Dakota Century Code, relating to special trip permits"

Page 1, line 10, replace "6,921,239" with "6,525,312"

Page 1, line 12, replace "386,526,349" with "382,681,779"

Page 1, line 14, replace "457,065,275" with "452,824,778"

Page 1, remove lines 15 through 19

Page 2, after line 6, insert:

"SECTION 4. AMENDMENT. Section 39-12-02 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

39-12-02. Special permits for vehicles of excessive size and weight issued - Contents - Fees.

1. The highway patrol and local authorities in their respective jurisdictions, upon application and payment of the appropriate charges and for good cause shown, may issue a special written permit authorizing the applicant to operate or move a vehicle, mobile home or modular unit of a size or weight exceeding the maximum specified by this chapter, upon a highway under the jurisdiction of the body granting the permit. Every ~~such~~ permit may designate the route to be traversed, and may contain any other restrictions or conditions deemed necessary by the body granting ~~such~~ the permit. Every ~~such~~ permit must be carried in the vehicle to which it refers and must be opened to inspection by any peace officer or agent of the superintendent of the highway patrol unless prior approval is obtained from the highway patrol. Verification of weight for permits for overweight vehicles may be obtained at either the nearest weigh station from the beginning of the route or at the point of destination. It is a violation of ~~the provisions of~~ this chapter for any person to violate any of the terms or conditions of ~~such special~~ the permit. All permits for the movement of excessive size and weight on state highways must be single trips only. The highway patrol and local authorities may adopt rules governing the movement of oversize and overweight vehicles.
2. An appropriate charge must be made for each permit and all funds collected hereunder by the highway patrol must be deposited in the state highway fund and are hereby appropriated for use in the construction and maintenance of highways and operating expenses of the department of transportation. The appropriate charges are as follows:

- a. For each permit for the movement of a mobile home or modular unit, the fee is ~~ten~~ twenty dollars.
- b. Official or publicly owned vehicles may not be required to pay charges for permits.
- c. The fee for registered motor vehicles hauling or towing overdimensional or overweight, or both, loads is twenty dollars per each single trip permit.
- d. The fee for registered motor vehicles that exceed legal size or legal weight, or both, limitations is twenty dollars per each single trip permit.
- e. The fee for nonregistered self-propelled special mobile equipment that exceeds legal weight limitations is thirty dollars per each single trip permit.
- f. The fee for nonregistered self-propelled special mobil equipment that exceeds legal size limitations only is twenty dollars per each single trip permit.
- g. The fee for each identification supplement, identifying a motor vehicle and axle configuration so that self-issuing single trip permits can be used, is twenty dollars each.
- h. The fee for exceeding the federal gross vehicle weight limitation of eighty thousand pounds [36287 kilograms] on the interstate highway system is ten dollars per each "interstate only" single trip permit.
- i. The fee for vehicles hauling overwidth loads of hay bales or haystacks, overwidth self-propelled fertilizer spreaders, and overwidth hay grinders is one hundred dollars per year.
- j. The fee when movement requires department of transportation engineer approval is thirty dollars in addition to permit fee.
- k. There is an additional heavyweight fee of one hundred forty dollars per ton for all weight in excess of one hundred five thousand five hundred pounds [47910 kilograms] gross vehicles weight but not to exceed two hundred thousand pounds [90718 kilograms] gross vehicle weight. The fee may be prorated on a monthly basis and does not apply on those motor vehicles which are North Dakota titled and registered.
- l. There is an additional ton/mile fee on all those movements that exceed two hundred thousand pounds [90718 kilograms] gross vehicle weight. The following ton/mile fee is assessed upon that portion of gross vehicle weight exceeding the maximum legal gross weight of one hundred five thousand five hundred pounds [47910 kilograms].

<u>Gross Vehicle Weight</u>	<u>Ton/Mile Fee</u>	<u>Minimum</u>
<u>200,001 to 210,000</u>	<u>\$.10</u>	<u>\$ 50.00</u>
<u>210,001 to 220,000</u>	<u>.20</u>	<u>50.00</u>
<u>220,001 to 230,000</u>	<u>.30</u>	<u>50.00</u>
<u>230,001 to 240,000</u>	<u>.40</u>	<u>50.00</u>
<u>240,001 to 250,000</u>	<u>.50</u>	<u>50.00</u>
<u>250,001 to 275,000</u>	<u>1.00</u>	<u>100.00</u>
<u>275,001 to 300,000</u>	<u>4.00</u>	<u>200.00</u>
<u>300,001 to 325,000</u>	<u>6.00</u>	<u>350.00</u>
<u>325,001 to 350,000</u>	<u>8.00</u>	<u>500.00</u>
<u>350,001 to 400,000</u>	<u>14.00</u>	<u>1,000.00</u>
<u>400,001 to 450,000</u>	<u>20.00</u>	<u>2,000.00</u>
<u>450,001 to 500,000</u>	<u>30.00</u>	<u>3,000.00</u>
<u>500,001 to 550,000</u>	<u>40.00</u>	<u>5,000.00</u>
<u>550,001 to 600,000</u>	<u>60.00</u>	<u>7,500.00</u>
<u>600,001 to 650,000</u>	<u>80.00</u>	<u>10,000.00</u>

<u>650,001 to 700,000</u>	<u>100.00</u>	<u>15,000.00</u>
<u>700,001 to 750,000</u>	<u>150.00</u>	<u>25,000.00</u>
<u>750,001 or more</u>	<u>200.00</u>	Minimum one mile

- m. On those movements of extraordinary size or weight that require highway patrol escort there is an escort service fee of thirty cents per mile [kilometer] and thirty dollars per hour.
3. The director of tax equalization of the county of destination must be furnished a copy of the permit for the movement of an overdimensional mobile home."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 801 - DEPARTMENT OF TRANSPORTATION

SENATE - This amendment makes the following changes:

Changes by line item include:

	1997-99 EXECUTIVE RECOMMENDATION	REMOVE VACANT POSITIONS	"PLATE WITH OWNER" ADMINISTRATIVE COSTS	HIGHWAY CONSTRUCTION FUNDS	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$ 83,260,947	\$ (360,497)			\$ (360,497)	\$ 82,900,450
Operating expenses	79,500,558		\$ (200,000)		(200,000)	79,300,558
Equipment	21,597,257					21,597,257
Capital improvements	247,234,813			\$ (3,680,000)	(3,680,000)	243,554,813
Grants	<u>25,471,700</u>					<u>25,471,700</u>
Total special funds	\$457,065,275	\$ (360,497) ¹	\$ (200,000) ²	\$ (3,680,000) ³	\$ (4,240,497)	\$452,824,778
FTE	1,048.00	(6.00)	0.00	0.00	(6.00)	1,042.00

Changes by program include:

	1997-99 EXECUTIVE RECOMMENDATION	REMOVE VACANT POSITIONS	"PLATE WITH OWNER" ADMINISTRATIVE COSTS	HIGHWAY CONSTRUCTION FUNDS	TOTAL CHANGES	SENATE VERSION
Administration	\$ 24,084,794					\$ 24,084,794
Motor vehicle	6,921,239	\$ (195,927)	\$ (200,000)		\$ (395,927)	6,525,312
Driver's license	8,870,358	(164,570)			(3,844,570)	8,705,788
Highways	386,526,349			\$ (3,680,000)		382,846,349
Fleet services	<u>30,662,535</u>					<u>30,662,535</u>
Total special funds	\$457,065,275	\$ (360,497) ¹	\$ (200,000) ²	\$ (3,680,000) ³	\$ (4,240,497)	\$452,824,778

¹ The following vacant positions are removed:

Motor vehicle	
Data input operator II	\$ (41,563)
Data input operator III	(52,430)
Data input operator II	(47,270)
Data input operator II	<u>(54,664)</u>
Total motor vehicle	\$ (195,927)

Highways	
Transportation senior manager	\$ (106,869)
Engineering technician II	<u>(57,701)</u>
Total highways	\$ (164,570)

Total

\$ (360,497)

² Reduces funding provided for administrative costs relating to the "plate with owner" method of distributing license plates by \$200,000, from \$300,000 to \$100,000. The "plate with owner" method becomes effective on December 1, 1997, as approved by the 1995 Legislative Assembly.

³ Funding for highway construction projects is reduced by \$3,680,000 from the highway fund to reduce the highway fund appropriation to reflect estimated highway fund revenues for the 1997-99 biennium.

The amendment codifies oversize and overweight vehicle permit fees currently set by the Department of Transportation by administrative rule. The fees being added in statute are increased by 100 percent compared to the fees currently in the Administrative Code.

REPORT OF STANDING COMMITTEE

SB 2016, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2016 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "amend" with "create" and replace "reenact" with "enact a new section to chapter 15-40.1 and a new subsection to"

Page 1, line 3, after "placements" insert "and to the transfer of funds appropriated for foundation aid; to provide legislative intent; to provide an effective date"

Page 2, line 5, replace "5,802,012" with "5,006,447"

Page 2, line 6, replace "9,100,456" with "9,896,021"

Page 2, line 9, replace "15,692,616" with "20,392,705"

Page 2, line 10, replace "13,258,931" with "8,921,787"

Page 2, after line 12, insert:

"Capital improvements - medium security facility 4,896,425"

Page 2, line 14, replace "1,904,399" with "3,104,399"

Page 2, line 17, replace "39,373,953" with "45,833,323"

Page 2, line 18, replace "4,860,222" with "10,483,117"

Page 2, line 19, replace "34,513,731" with "35,350,206"

Page 2, line 25, replace "50,000" with "86,112"

Page 2, line 26, replace "8,663,099" with "8,699,211"

Page 2, line 27, replace "44,396,111" with "46,028,151"

Page 2, line 28, replace "19,424,232" with "24,287,674"

Page 2, line 29, replace "63,820,343" with "70,315,825"

Page 3, remove lines 14 through 17

Page 3, line 18, replace "**TRANSFER OF FUNDS PROHIBITED.** No" with "A new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

Transfer of funds prohibited. The superintendent of public instruction may not transfer any"

Page 3, line 19, replace "to the" with "for" and replace "line item may be transferred" with "to the youth correctional center"

Page 3, remove lines 21 through 26

Page 3, line 27, replace "**AMENDMENT.** Section" with "A new subsection to section"

Page 3, line 28, replace "amended" with "created" and replace "reenacted" with "enacted"

Page 3, remove lines 29 and 30

Page 4, remove lines 1 through 30

Page 5, remove lines 1 through 29

Page 5, line 30, remove "9." and remove the underscore under "Notwithstanding the provisions of this section, educational services provided to a"

Page 5, remove the underscore under line 31

Page 6, remove the underscore under lines 1 and 2

Page 6, after line 2, insert:

"SECTION 7. LEGISLATIVE INTENT - CRIME VICTIMS GRANTS. It is the intent of the fifty-fifth legislative assembly that any grants distributed by the parole and probation division of the department of corrections and rehabilitation for victims services include a notice provided to grant recipients that additional federal funds available for grants during the 1997-99 biennium may not continue during the 1999-2001 biennium and that general fund appropriation authority will not be provided by the fifty-sixth legislative assembly to continue the program at the 1997-99 biennium level.

SECTION 8. LEGISLATIVE INTENT - ROUGHRIDER INDUSTRIES CAPITAL CONSTRUCTION. It is the intent of the fifty-fifth legislative assembly that the funds appropriated in the capital improvements - medium security facility line item in subdivision 3 of this Act include \$325,013 of federal funds and \$36,112 of other funds derived from roughrider industries' operations for the construction of a building at the proposed medium security correctional facility to be used by roughrider industries for the employment of inmates at that facility.

SECTION 9. EFFECTIVE DATE. Section 5 of this Act is effective on July 1, 1999."

Page 6, line 3, replace "Section 5" with "The capital improvements - medium security facility line item in subdivision 3 of section 1"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 530 - DEPARTMENT OF CORRECTIONS AND REHABILITATION

SENATE - This amendment transfers \$4,577,235 from the operating expenses line item for Adult Services to salaries and wages (\$4,103,705) for 79 FTE positions and to the capital improvements - medium security facility line item for the required state match (\$473,530) for federal capital construction funds. The required state match is \$129,500 for the purchase of the medium security facility property and \$344,030 for remodeling and renovation costs.

This amendment adds federal capital construction funds for the purchase of the medium security facility property (\$1,165,500) and renovation and remodeling costs (\$2,896,270). The additional federal and other funds appropriation authority also includes \$325,013 of federal funds and \$36,112 of other funds from Roughrider Industries for the construction of a building at the medium security facility for use by Roughrider Industries.

This amendment increases general fund appropriation authority to the medium security facility to reflect anticipated general fund decreases in House Bill No. 1012 for the State Hospital. The increased general fund appropriation authority includes \$240,091 for operating expenses and \$596,384 for salaries and wages for 8.8 FTE positions relating to the forensic unit.

This amendment increases general fund appropriation authority by \$795,565 for Juvenile Services to replace other funds included in the executive recommendation for tuition payments from districts. The foundation aid line item in House Bill No. 1013 includes \$892,100 for payments to the Youth Correctional Center.

This amendment adds legislative intent regarding the victim services grant program administered by the Parole and Probation Division and the capital construction project for Roughrider Industries. This amendment provides that the appropriation for the capital improvements - medium security facility is an emergency measure. This amendment also provides that Section 5 of the reengrossed bill, which prohibits the transfer of foundation aid funds to the Youth Correctional Center, is effective July 1, 1999.

This amendment also removes Section 7, which provides additional information relating to the object code-based line item amounts for the victim's services, institutional offender services, and community offender services line items. The program line items include \$4,359,087 for

salaries and wages, \$2,261,174 for operating expenses, \$35,000 for equipment, and \$2,935,628 for grants.

	1997-99 EXECUTIVE RECOMMENDATION	TRANSFERS FOR PROPOSED MEDIUM SECURITY FACILITY	ADDITIONAL FEDERAL AND OTHER FUNDS FOR CONSTRUCTION	GENERAL FUND INCREASES FOR PROPOSED MEDIUM SECURITY FACILITY	INCREASE GENERAL FUND AUTHORITY TO REPLACE TUITION PAYMENTS	INCREASE FEDERAL FUND AUTHORITY FOR VICTIM SERVICES	TOTAL CHANGES	SENATE VERSION
CENTRAL OFFICE								
Salaries and wages	\$ 798,494							\$ 798,494
Operating expenses	77,929							77,929
Equipment	4,400							4,400
Total	\$ 880,823	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 880,823
General fund	\$ 781,924							\$ 781,924
Other funds	98,899							98,899
Total	\$ 880,823	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 880,823
JUVENILE SERVICES								
Salaries and wages	\$ 8,708,389							\$ 8,708,389
Operating expenses	4,188,200							4,188,200
Equipment	102,879							102,879
Capital improvements	573,000							573,000
Grants	1,280,000							1,280,000
Institutional medical fees	50,000							50,000
Total	\$14,902,468	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$14,902,468
General fund	\$ 9,100,456				\$ 795,565		\$ 795,565	\$ 9,896,021
Other funds	5,802,012				(795,565)		(795,565)	5,006,447
Total	\$14,902,468	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$14,902,468
ADULT SERVICES								
Salaries and wages	\$15,692,616	\$ 4,103,705		\$596,384			\$4,700,089	\$20,392,705
Operating expenses	\$13,258,931	(4,577,235)		240,091			(4,337,144)	8,921,787
Equipment	170,867							170,867
Capital improvements	1,010,650	473,530*	\$4,422,895*				4,896,425	1,010,650
Community offender services - medium security facility								4,896,425
Institutional medical fees	850,000					\$1,200,000	1,200,000	850,000
Victim services	1,904,399							3,104,399
Institutional offender services	321,991							321,991
Community offender services	6,164,499							6,164,499
Total	\$39,373,953	\$ 0	\$4,422,895	\$836,475	\$ 0	\$1,200,000	\$6,459,370	\$45,833,323
General fund	\$34,513,731			\$836,475			\$ 836,475	\$35,350,206
Other funds	4,860,222						5,622,895	10,483,117
Total	\$39,373,953	\$ 0	\$4,422,895	\$836,475	\$ 0	\$1,200,000	\$6,459,370	\$45,833,323
ROUGHRIIDER INDUSTRIES								
Salaries and wages	\$ 2,427,773							\$ 2,427,773
Operating expenses	5,964,326							5,964,326
Equipment	221,000							221,000
Capital improvements	50,000		\$ 36,112*				\$ 36,112*	86,112

Total	\$ 8,663,099	\$ 0	\$ 36,112	\$ 0	\$ 0	\$ 0	\$ 36,112	\$ 8,699,211
General fund								
Other funds	\$ 8,663,099		\$ 36,112				\$ 36,112	\$ 8,699,211
Total	\$ 8,663,099	\$ 0	\$ 36,112	\$ 0	\$ 0	\$ 0	\$ 36,112	\$ 8,699,211
DOCR total general fund	\$44,396,111			\$836,475	\$795,565		\$1,632,040	\$46,028,151
DOCR total other funds	<u>19,424,232</u>		<u>\$4,459,007</u>		<u>(795,565)</u>		<u>4,863,442</u>	<u>24,287,674</u>
DOCR total all funds	\$63,820,343	\$ 0	\$4,459,007	\$836,475	\$ 0	\$ 0	\$6,495,482	\$70,315,825
FTE	431.14	79.00		8.80			87.80	518.94

The transfers for capital projects for the medium security facility are for the following projects:

	ROUGH RIDER INDUSTRIES OTHER FUNDS	FEDERAL FUNDS	GENERAL INDUSTRIES OTHER FUNDS	GENERAL FUND MATCH	TOTAL
Purchase of medium security facility		\$1,165,500		\$129,500	\$1,295,000
Renovation/remodeling of facility		2,896,270		344,030	3,240,300
Roughrider Industries building		<u>325,013</u>	\$36,112		<u>361,125</u>
Total		\$4,386,783	\$36,112	\$473,530	\$4,896,425

This additional other funds authority for capital projects is the nonfederal match required for federal capital construction funds included in the medium security facility line item in the Adult Services subdivision. The other funds authority is also included in the capital improvements - medium security facility line item because the matching funds will be paid by Roughrider Industries to the Adult Services Division.

REPORT OF STANDING COMMITTEE

SB 2019: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). SB 2019 was placed on the Sixth order on the calendar.

Page 1, line 2, after "finance" insert "and to the Bank of North Dakota for economic development" and remove the second "and"

Page 1, line 3, replace "reallocation" with "allocation" and after "funds" insert "; and to amend and reenact sections 4-01-19, 4-14.1-04, subsection 4 of section 10-30.5-02, and section 10-30.5-05 of the North Dakota Century Code, relating to the pride of Dakota program, the agricultural products utilization commission, and administration and management of the North Dakota development fund"

Page 1, line 11, replace "2,421,849" with "1,634,811"

Page 1, line 14, replace "1,313,141" with "958,141"

Page 1, remove line 15

Page 1, remove line 17

Page 1, line 20, replace "15,154,715" with "11,377,112"

Page 1, line 22, replace "10,342,044" with "6,564,441"

Page 1, after line 22, insert:

"SECTION 2. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated from special funds derived from Bank of North Dakota earnings to the Bank of North Dakota for the purpose of economic development funding, for the biennium beginning July 1, 1997, and ending June 30, 1999, as follows:

Salaries and wages	\$ 490,577
North Dakota development fund	1,909,875
Grants	<u>1,080,690</u>
Total appropriation from Bank of North Dakota earnings	\$3,481,142"

Page 1, line 24, remove "\$1,909,875 must be transferred to the North"

Page 2, line 1, remove "Dakota development fund and"

Page 2, line 5, replace "available in" with "transferred to"

Page 2, line 9, replace the first "director" with "president", replace "department" with "Bank", replace "economic development and finance" with "North Dakota", and replace the second "director" with "president"

Page 2, line 10, replace "department" with "Bank" and replace "economic development and finance" with "North Dakota"

Page 2, line 12, after the period insert "Of the amount available in the North Dakota development fund, \$4,000,000 or the unobligated balance on July 1, 1997, relating to the transfer of regional rural development revolving loan fund moneys, must continue to be dedicated for the purpose of providing financial assistance, research and development assistance, and loans or equity or debt financing on a matching basis to new or expanded primary sector businesses in areas of the state which are not within five miles [8.05 kilometers] of any city with a population of more than eight thousand. These funds must be allocated for the benefit of each of the areas delineated as regions by executive order of the governor pursuant to section 54-40.1-02."

Page 2, remove lines 13 through 17

Page 2, after line 30, insert:

"SECTION 7. LEGISLATIVE INTENT - DEVELOPMENT SPECIALIST. It is the intent of the fifty-fifth legislative assembly that the Bank of North Dakota employ a

development specialist to administer the North Dakota development fund and promote economic development.

SECTION 8. AMENDMENT. Section 4-01-19 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-01-19. Marketing bureau. The commissioner of agriculture of this state shall establish and maintain a marketing bureau for the purpose of gathering and disseminating statistical information on agricultural marketing problems of the state and engaging in marketing services of agricultural products. ~~Any moneys received or generated by the pride of Dakota program must be deposited in the general fund in the state treasury.~~

SECTION 9. AMENDMENT. Section 4-14.1-04 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-14.1-04. Agricultural products utilization commission - Meetings - Personnel - Reports. The agricultural products utilization commission, which is a division of the department of economic development and finance, shall meet as necessary and shall report to each session of the legislative assembly. The commission may secure office space ~~and~~ employ needed personnel for the performance of its duties, ~~may~~ hire consultants, spend any funds appropriated to the commission, and ~~may~~ contract with public entities or private parties for services.

SECTION 10. AMENDMENT. Subsection 4 of section 10-30.5-02 of the North Dakota Century Code is amended and reenacted as follows:

4. The ~~director president~~ of the ~~department Bank of economic development and finance~~ North Dakota shall adopt rules, subject to the approval of the board of directors, necessary to implement the administration of the fund. The rules to implement the grant program must be developed to encourage local fundraising initiatives for developing locations for businesses financed by the corporation.

SECTION 11. AMENDMENT. Section 10-30.5-05 of the North Dakota Century Code is amended and reenacted as follows:

10-30.5-05. Management. The ~~deputy director president~~ of the ~~finance division~~ Bank of the department must be North Dakota shall appoint the chief executive officer of the corporation. The board of directors shall determine minimum qualifications of all other staff positions.

All investments, contracts, partnerships, limited liability companies, and business transactions of the corporation are the responsibility of the ~~deputy director~~ chief executive officer and the board of directors. The board may provide that normal operating costs anticipated in an approved budget may be incurred and paid without prior board approval."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 601 - DEPARTMENT OF ECONOMIC DEVELOPMENT AND FINANCE

SENATE - This amendment makes the following changes:

	1997-99 EXECUTIVE RECOMMENDATION	TRANSFER ECONOMIC DEVELOPMENT FUNDING TO BANK OF NORTH DAKOTA	POSITIONS DELETED	SENATE VERSION
Salaries and wages	\$ 2,421,849	\$ (490,577)	\$(296,461)	\$ 1,634,811
Operating expenses	1,591,673			1,591,673
Equipment	34,000			34,000
Grants	1,313,141	(355,000)		958,141
General allocation grants	725,690	(725,690)		
Technology Transfer, Inc.	1,410,380			1,410,380
Development fund	1,909,875	(1,909,875)		
Agricultural Products	5,598,107			5,598,107

Utilization				
Pride of Dakota	150,000			150,000
Total	\$15,154,715	\$(3,481,142)	\$(296,461)	\$11,377,112
Special funds	\$ 4,812,671			\$ 4,812,671
General fund	10,342,044	\$(3,481,142)	\$(296,461)	6,564,441
FTE positions	30	(5)	(4)	21

DEPARTMENT 471 - BANK OF NORTH DAKOTA

SENATE - This amendment transfers from the Department of Economic Development and Finance to the Bank of North Dakota, the North Dakota development fund and funding for five FTE positions relating to the fund (\$490,577). This amendment also deletes general fund appropriation authority from the Department of Economic Development and Finance and provides an appropriation to the Bank of North Dakota from the Bank's earnings for the following programs: miscellaneous grants (\$275,500), Native American business grants (\$27,500), women's business grants (\$52,000), general allocation grants (\$725,690), and the North Dakota development fund line item. This amendment also deletes the authority for four FTE positions and related general fund appropriation authority of \$296,461.

This amendment also removes Section 4 of the bill which allowed the reallocation of funds between Technology Transfer, Inc., and the North Dakota development fund. This authority is no longer necessary because of the transfer of the North Dakota development fund to the Bank of North Dakota.

This amendment also changes Section 4 to provide that the balance in the North Dakota development fund relating to the regional rural development revolving loan fund of approximately \$4,000,000 must be dedicated for providing assistance to new or expanding primary sector businesses in rural areas.

REPORT OF STANDING COMMITTEE

SB 2062: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2062 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections" with "section" and remove "and 44-02-08"

Page 1, line 2, replace "state" with "judicial"

Page 1, remove lines 19 through 24

Page 2, remove lines 1 and 2

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2153: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2153 was placed on the Sixth order on the calendar.

Page 2, line 11, after the first "individual" insert "in adult court"

Page 2, line 13, remove "An individual"

Page 2, remove lines 14 through 15

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2154: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2154 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2174: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS**

(8 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). SB 2174 was placed on the Sixth order on the calendar.

Page 1, line 1, after "county" insert "and city"

Page 1, after line 12, insert:

"SECTION 2. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,500,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of distributing to the cities with a 1990 federal census population exceeding one thousand people for the purpose of the removal of snow from the highways. Within ten days of the effective date of this Act, the office of management and budget shall distribute equally thirty percent of the total funds appropriated among the qualifying cities and distribute seventy percent of the total appropriation to the qualifying cities in proportion to their population."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2189: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2189 was placed on the Sixth order on the calendar.

Page 1, line 2, after "contributions" insert "to legislative candidates"

Page 1, line 6, replace "**political parties and**" with "**legislative**" and replace "An" with "A person"

Page 1, line 7, remove "individual" and remove "five"

Page 1, line 8, remove "hundred dollars in the aggregate to a political party or"

Page 1, line 9, after the first "candidate" insert "for the legislative assembly" and replace "an" with "a person"

Page 1, line 10, remove "individual" and replace "the district for which the candidate is seeking election" with "this state"

Page 1, line 11, replace "that district" with "the state"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2225: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2225 was placed on the Sixth order on the calendar.

Page 1, line 3, after "candidates" insert "or former candidates"

Page 1, line 8, after "**candidates**" insert "**or former candidates**"

Page 1, line 9, after "contributions" insert ", from contributions made to a person who was a candidate within the previous six years,"

Page 1, line 11, replace "candidate" with "person"

Page 1, line 17, replace "candidate" with "person"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2230: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2230 was placed on the Sixth order on the calendar.

Page 1, line 2, after the second "marriage" insert "; and to provide an effective date"

Page 1, after line 19, insert:

"SECTION 3. EFFECTIVE DATE. If the legislature of another state enacts a law under which a marriage between two individuals, other than between one man and one woman, is a valid marriage in that state or the highest court of another state holds that under the law of that state a marriage between two individuals, other than between one man and one woman, is a valid marriage, the governor of this state shall certify that fact to the legislative council. The certification must include the effective date of the other state's legislation or the date of the court decision. Sections 1 and 2 of this Act are effective as of the earlier of the effective date of that law or the date of that decision."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2246: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2246 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike "state" and insert immediately thereafter "an" and overstrike "liability"

Page 1, line 10, overstrike "Any taxpayer" and insert immediately thereafter "An individual, estate, or trust", after "~~his~~" insert "an", and overstrike "liability"

Page 1, line 11, overstrike "only" and after "for" insert "only"

Page 1, line 13, remove "Any" and overstrike "person" and insert immediately thereafter "If a nonresident individual otherwise"

Page 1, line 14, after "chapter" insert "is not required to file a federal income tax return or is allowed to exclude income in computing federal taxable income because of an income tax treaty between the United States and a foreign country, the individual shall compute, or recompute" and overstrike "but who has not computed a federal taxable income"

Page 1, line 15, overstrike "figure", remove the underscored comma, overstrike "shall compute", and overstrike "a"

Page 1, line 16, overstrike "figure using a pro forma return"

Page 1, line 17, after "~~figure~~" insert "in the manner"

Page 1, line 18, overstrike "state income" and insert immediately thereafter "the" and after "tax" insert "under subsection 3, the purpose of which is to prevent income otherwise taxable under this chapter from becoming exempt because of the treaty, if the treaty does not specifically preempt state taxation of the income"

Page 1, line 19, after "upon" insert "all"

Page 1, line 20, overstrike "every" and insert immediately thereafter "a", overstrike "and nonresident", overstrike the second "and" and insert immediately thereafter "or", and after "trust" insert ", or on the income derived from sources in this state by a nonresident individual, estate, or trust, electing to determine an income tax under this section"

Page 1, line 22, replace "For an individual, the tax under this" with "The tax is equal to the amount determined under subsection 3."

3. The tax under this section applies to taxable income as defined under this subsection. For purposes of this subsection, "taxable income" means federal taxable income computed under the United States Internal Revenue Code of 1954, as amended, plus the adjustments provided under subsection 4. The tax is equal to the amount determined in accordance with the applicable table in subdivisions a through d corresponding to an individual's filing status used for federal income tax purposes multiplied by the fraction determined under subsection 5. For an estate or trust, the table in subdivision e must be used for purposes of this subsection.

Page 1, remove lines 23 and 24

- a. The amount of a lump-sum distribution allowed as a deduction from federal gross income under section 402(d)(3) of the United States Internal Revenue Code of 1954, as amended; and
 - b. Except for obligations of the state of North Dakota or its political subdivisions, the amount of interest from obligations of states and their political subdivisions.
5. For purposes of subsection 3, the fraction is equal to North Dakota adjusted gross income divided by federal adjusted gross income. For this purpose, "North Dakota adjusted gross income" means federal adjusted gross income reduced by:
- a. Interest income from obligations of the United States;
 - b. Income exempt from state income tax under federal statute, the Constitution of the United States, or the Constitution of North Dakota;
 - c. The portion of a distribution from a qualified investment fund as defined under subsection 4.2 of section 57-38-01 which is attributable to investments by the qualified investment fund in obligations of the United States, obligations of North Dakota or its political subdivisions, and any other obligation the interest from which is exempt from state income tax under federal statute, the Constitution of the United States, or the Constitution of North Dakota; and
 - d. For a nonresident individual, estate, or trust, the portion of federal adjusted gross income not allocable or apportionable to this state under this chapter."

Page 4, line 7, overstrike "5."

Page 4, line 27, remove the overstrike over "6."

Page 5, line 1, remove ", and the tax determined"

Page 5, remove lines 2 and 3

Page 5, line 4, remove "their joint federal income tax return"

Page 5, line 5, after "persons" insert ", or if separate state income tax returns are required to be filed under this subsection"

Page 5, line 6, after "spouse's" insert "state"

Page 5, line 8, remove the overstrike over "7." and remove "6."

Page 5, line 30, replace "7" with "8"

Page 6, line 6, replace "1996" with "1997"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2259: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2259 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "A" with "Except for agreements between credit card issuers and credit card holders governing use of credit cards, a"

Page 1, line 11, after the period insert "An agreement between credit card issuers and credit card holders governing use of credit cards may not allow payment of attorney's fees in case of default in payment of any credit card debt."

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2265: Agriculture Committee (Sen. Wanzek, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2265 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new subsection to section 61-07-03 and two new sections to chapter 61-08 of the North Dakota Century Code, relating to the issuance of revenue bonds;" and after "sections" insert "61-07-07, 61-07-08,"

Page 1, line 3, remove "and" and after "61-08-39" insert ", 61-09-13, and 61-09-14"

Page 1, line 3, after "to" insert "powers and"

Page 1, after line 8, insert:

"SECTION 1. A new subsection to section 61-07-03 of the North Dakota Century Code is created and enacted as follows:

Acquire real property, buildings, improvements, and equipment used or useful in connection with storing, warehousing, distributing, or selling agricultural products, which may be located within or outside the district.

SECTION 2. AMENDMENT. Section 61-07-07 of the North Dakota Century Code is amended and reenacted as follows:

61-07-07. Board to formulate general plan of operation - Contents. As soon as practicable after the organization of an irrigation district, the board of directors, by a resolution entered on its records, shall formulate a general plan of its proposed operation in which it ~~shall~~ must state:

1. What constructed works or other property are proposed to be purchased, the purchase price ~~thereof, and~~ what construction work is proposed to be done, and the estimated cost of ~~such~~ the construction.
2. Whether funds to pay ~~such~~ the purchase price or cost of construction ~~shall~~ will be raised by issuing bonds ~~or district improvement warrants~~ or by creating a fund through the collection of ~~water~~ rentals ~~or~~, charges from water users, or by creating a fund by levying assessments against the lands benefited, or whether it is contemplated to raise funds by the use of all or a combination of ~~such~~ those methods of raising funds.

SECTION 3. AMENDMENT. Section 61-07-08 of the North Dakota Century Code is amended and reenacted as follows:

61-07-08. Surveys, examinations, and plans made to determine cost of construction in district - State engineer to prepare report. For the purpose of ascertaining the cost of any irrigation construction work in a district, the board shall cause such surveys, examinations, and plans to be made as ~~shall~~ may demonstrate the practicability of ~~such~~ the plan and furnish the proper basis for an estimate of the cost of carrying out the same plan. All ~~such~~ surveys, examinations, maps, plans, and estimates ~~shall~~ must be made under the direction of a registered professional engineer, who may be the state engineer, and ~~shall~~ must be certified by the registered professional engineer. The board ~~then~~ shall submit a copy ~~of the same~~ to the state engineer who shall prepare a summary report ~~thereon~~ and file the same report with the board. ~~Such~~ The report ~~shall~~ must contain such matters as in the judgment of the state engineer ~~may be~~ are desirable. Upon receiving ~~such~~ the report, the board of directors shall ~~proceed to~~ determine the amount of money required to be raised."

Page 8, after line 8, insert :

"SECTION 21. Two new sections to chapter 61-08 of the North Dakota Century Code are created and enacted as follows:

Issuance of revenue bonds. The acquisition, construction, reconstruction, improvement, betterment, or extension of any revenue producing facility, and the issuance of revenue bonds in anticipation of the collection of the revenues of the facility, may be authorized by resolution adopted by the affirmative vote of a majority of the board of directors. The amount of the bonds authorized may not exceed the amount authorized by the electors of the district as provided in this chapter.

Payment and security for revenue bonds. Revenue bonds issued under this chapter may not be payable from nor charged upon any funds other than the revenue pledged to the payment of the bonds, nor is the district issuing the bonds subject to any pecuniary liability on the bonds. A holder of the bonds does not have the right to compel the levy of special assessments to pay the bonds or the interest, or to enforce payment of the bonds against any property of the district other than property pledged as security for the bonds. Each revenue bond issued under this chapter must recite in substance that the bond, including interest on the bond, is payable solely from the revenue pledged to the payment of the bond, and that the bond does not constitute a debt of the district within the meaning of any constitutional or statutory limitation.

SECTION 22. AMENDMENT. Section 61-09-13 of the North Dakota Century Code is amended and reenacted as follows:

61-09-13. Board may borrow additional funds if levy of annual assessment is insufficient for district - Limitations. If after the levy of the annual assessment for the current year the board finds that because of some unusual or unforeseen cause funds raised through the collection of ~~such~~ the assessment, and from other sources, will not be sufficient for the proper maintenance and operation of the district, and the irrigation works ~~therein~~ of the district, the board may borrow additional funds needed to an amount not to exceed ~~one dollar~~ twenty dollars per acre [.40 hectare] for the irrigable lands within the district and may pledge the credit of the district for the payment of the ~~same loan~~, or the board may issue ~~and register warrants~~ bonds in anticipation of further collections. The board shall include in the levy for the ensuing year the amount required to pay ~~such~~ the loan or to retire ~~such warrants~~ the bonds.

SECTION 23. AMENDMENT. Section 61-09-14 of the North Dakota Century Code is amended and reenacted as follows:

61-09-14. Warrants Borrowing in excess of ninety percent of levy prohibited - Additional levy permissible - Transfer of balance in fund. ~~No~~ An irrigation district, on account of expenses of operation and maintenance and to pay the current expenses of the district, in any year ~~shall issue warrants~~ may not borrow in excess of ninety percent of the levy of assessments for ~~such that~~ year. In case of due and outstanding obligations of the district on account of current expenses and expenses of operation and maintenance contracted ~~prior to~~ before the year in which the levy is made, the district board ~~shall have power to~~ may make an additional levy, not to exceed ~~one dollar~~ twenty dollars per acre [.40 hectare], upon all irrigable lands within the district, to create a special fund for the payment of ~~such~~ the past due obligations. Whenever the claims or obligations against any fund for any year are fully paid, the board ~~shall have the power to~~ may transfer any unused balance to any fund for any preceding or succeeding year."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2270: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2270 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 26.1-17-33.1 of the North Dakota Century Code, relating to nonprofit mutual insurance companies; to amend and reenact section 26.1-17-33.1 of the North Dakota Century Code, relating to the conversion of a nonprofit health service corporation to a nonprofit mutual insurance company; to provide for retroactive application; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 26.1-17-33.1 of the North Dakota Century Code is amended and reenacted as follows:

26.1-17-33.1. Nonprofit health service corporation - Conversion to nonprofit mutual insurance company - Application of law.

1. Any nonprofit health service corporation organized under chapter 26.1-17, having admitted assets in excess of all liabilities at least equal to the original surplus required of a mutual insurance company by section 26.1-12-10, without reincorporation, and upon adoption of a resolution by its board of directors, may petition the commissioner of insurance for an order to become a nonprofit mutual insurance company subject to chapter 26.1-12. For the purpose of obtaining approval from the commissioner of insurance, conversion to a nonprofit mutual insurance company under this section is deemed a consolidation pursuant to chapter 26.1-07 and the procedure described therein must be followed.
2. Upon becoming subject to chapter 26.1-12, the company may continue to provide health care and related services to its present or future members and subscribers by health care contracts and may make provision for the payment of health care services directly to hospitals and other agencies or institutions or persons rendering health care services or related services or may make direct payment to the member or subscriber. The conversion of a nonprofit health service corporation into a mutual insurance company must not impair the rights or obligations or any existing contractual rights of a health care service corporation or its members. Except as provided in this section, the laws that apply to mutual insurance companies, and insurance companies generally, apply to a nonprofit mutual insurance company converted from a nonprofit health service corporation pursuant to this section.
3. The nonprofit corporation laws apply to the operation and control of a nonprofit mutual insurance company converted from a nonprofit health service corporation under this section and supersede any conflicting provisions in title 26.1 unless title 26.1 is more restrictive. Except as authorized in subsection 4, a nonprofit mutual insurance company may not sell, lease, transfer, or dispose of all or substantially all property or assets, and may not merge or consolidate with, or acquire, a stock insurance company or agency, for-profit subsidiary, or any other corporation. A nonprofit mutual insurance company may not pay dividends or issue stock.
4. The funds of a nonprofit mutual insurance company may be invested in those investments authorized to be made by domestic insurance companies under section 26.1-05-19, as limited by section 26.1-05-18.
5. A nonprofit mutual insurance company may not demutualize.
6. A nonprofit mutual insurance company may not form an insurance holding company or otherwise avail itself of the additional investment authority under chapter 26.1-10.
7. A conversion of a nonprofit health service corporation to a nonprofit mutual insurance company under this section, to the extent that any assets of the nonprofit health service corporation are impressed with a charitable trust immediately before the conversion, does not give rise to a breach of the charitable trust or violate any fiduciary duty laws, and does not constitute grounds for the commissioner to disapprove, or condition approval of, the petition to convert to a nonprofit mutual insurance company. The conversion authorized by this section does not diminish the application of charitable trust or fiduciary duty laws, if any, that may apply to the company immediately before the conversion.
8. A nonprofit mutual insurance company may not engage in the practice of medicine, dentistry, optometry, or any other profession for which a license or registration is required.

SECTION 2. A new subsection to section 26.1-17-33.1 of the North Dakota Century Code is created and enacted as follows:

A nonprofit mutual health insurance company may not form a mutual insurance holding company.

SECTION 3. RETROACTIVE APPLICATION OF ACT. This Act applies retroactively to any conversion from a nonprofit health service corporation to a nonprofit mutual insurance company or a petition to convert or procedure for conversion from a

nonprofit health service corporation to a nonprofit mutual insurance company under section 26.1-17-33.1 which occurs before the effective date of this Act.

SECTION 4. EFFECTIVE DATE. Section 2 of this Act becomes effective when 1997 House Bill No. 1259 becomes effective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2311: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2311 was placed on the Sixth order on the calendar.

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

Page 3, remove lines 8 through 12

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 471 - BANK OF NORTH DAKOTA

SENATE - This amendment removes the \$600,000 general fund appropriation to the Bank of North Dakota for administering the beginning entrepreneur loan guarantee program.

REPORT OF STANDING COMMITTEE

SB 2318: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2318 was placed on the Sixth order on the calendar.

Page 2, line 22, replace "eighteen" with "sixty-three"

Page 2, line 24, replace "eighteen" with "sixty-three"

Page 2, line 26, replace "eighteen" with "sixty-three"

Page 3, line 8, remove "The funds provided in this section, or so much of the"

Page 3, line 9, replace "funds as may be necessary, are" with "There is"

Page 3, line 10, after "interest" insert "transferred to the department of human services operating fund, the sum of \$750,000, or so much of the sum as may be necessary,"

Page 3, line 11, remove "and to cities and counties for the purpose of implementing"

Page 3, line 12, remove "section 3 of this Act"

Page 3, replace lines 13 through 15 with:

"SECTION 5. APPROPRIATION. There is hereby appropriated from special funds derived from gaming and excise taxes and interest, the sum of \$750,000, or so much of the sum as may be necessary, to the attorney general for the purpose of providing grants to cities and counties for gaming enforcement as provided in section 3 of this Act."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 125 - ATTORNEY GENERAL

SENATE - This amendment appropriates funding of \$750,000 of special funds for local gaming enforcement grants to the Attorney General's office rather than the Department of Human Services because the Attorney General distributes general fund grants provided for local gaming enforcement.

The maximum general fund quarterly deposit of gaming and excise tax collections is increased from \$2,718,000 per quarter to \$2,763,000 per quarter. This change will reduce the estimated funding for the compulsive gambling treatment program and gaming enforcement by \$360,000 and increase general fund collections by \$360,000 for the 1997-99 biennium. The effect on the executive budget general fund revenue estimate as a result of this change is listed below.

1997-99 ESTIMATED GENERAL FUND REVENUE EFFECT
OF SENATE BILL NO. 2318

AS INTRODUCED

AS AMENDED

\$(560,000)

\$(200,000)

REPORT OF STANDING COMMITTEE

SB 2331: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2331 was placed on the Sixth order on the calendar.

Page 1, line 1, after "57-35.3" insert ", a new subdivision to subsection 1 of section 57-38-01.2, a new subdivision to subsection 3 of section 57-38-30.3, and a new subdivision to subsection 4 of section 57-38-30.3"

Page 1, line 2, after "revenue" insert "and to adjustments to taxable income for individuals"

Page 1, line 22, overstrike "twenty-five" and insert immediately thereafter "fifty"

Page 4, line 27, replace "The" with "In the case of a building and loan association or savings and loan association, the"

Page 4, line 28, remove "or 593"

Page 5, line 8, replace "If" with "In the case of a building and loan association or savings and loan association that uses", replace "has been used pursuant to" with "under", and remove "or 593"

Page 5, after line 12, insert:

"d. The amount of any adjustments taken into account for federal income tax purposes under section 593(g) of the Internal Revenue Code."

Page 5, line 13, replace "d" with "e"

Page 5, line 18, replace "e" with "f"

Page 5, line 21, replace "f" with "g"

Page 5, line 30, replace "g" with "h"

Page 6, line 4, remove "beginning on or after January 1,"

Page 6, line 5, remove "1991"

Page 6, line 8, replace "of" with "under" and replace "law" with "chapters 57-35, 57-35.1, or 57-35.2, or corporations under chapter 57-38,"

Page 6, line 9, replace "financial institutions" with "the taxpayer"

Page 11, line 5, after the second period insert "On or before August 1, 1998, and each subsequent year, the commissioner shall provide a preliminary estimate of the distribution to be made to each county in the following year."

Page 11, line 10, remove ", including related interest,"

Page 11, line 19, remove "57-38-35.2,"

Page 30, after line 27 insert:

"SECTION 4. A new subdivision to subsection 1 of section 57-38-01.2 of the 1995 Supplement to the North Dakota Century Code is created and enacted as follows:

Reduced by an amount equal to the earnings that are passed through to a taxpayer in connection with an allocation and apportionment to North Dakota under chapter 57-35.3."

Page 31, after line 9, insert:

"SECTION 6. A new subdivision to subsection 3 of section 57-38-30.3 of the North Dakota Century Code is created and enacted as follows:

An amount equal to the earnings that are passed through to a taxpayer in connection with an allocation and apportionment to North Dakota under chapter 57-35.3.

SECTION 7. A new subdivision to subsection 4 of section 57-38-30.3 of the North Dakota Century Code is created and enacted as follows:

An amount equal to the earnings that are passed through to a taxpayer in connection with an allocation and apportionment to North Dakota under chapter 57-35.3."

Renumber accordingly

REPORT OF STANDING COMMITTEE

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

Page 1, line 2, replace "modification of" with "interference with" and remove "and child support"

Page 1, replace lines 6 through 15 with:

"Interference with visitation - Attorney's fees. In any proceeding where child visitation is properly in dispute between the parents of a minor child, the court shall award the noncustodial parent reasonable attorney's fees and costs if the court determines there has been willful and persistent denial of visitation rights by the custodial parent with respect to the minor child."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2360: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2360 was placed on the Sixth order on the calendar.

Page 1, after line 24, insert:

"In addition, for credit unions having membership limited to groups within a well-defined rural or urban district, a branch may be established and maintained only within the credit union's existing geographical boundaries. For credit unions having membership limited to groups having a common bond of occupation or association, a branch may only be established and maintained at a location that is reasonably necessary to properly serve persons of the field of membership who are not being properly served by the principal credit union office."

Page 2, after line 8, insert:

"In addition, for credit unions having membership limited to groups within a well-defined rural or urban district, a branch may be established and maintained only within the credit union's existing geographical boundaries. For credit unions having membership limited to groups having a common bond of occupation or association, a branch may only be established and maintained at a location that is reasonably necessary to properly serve persons of the field of membership who are not being properly served by the principal credit union office."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2362: Natural Resources Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2362 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the first "and" with "to create and enact a new subsection to section 61-28.1-02 and a new section to chapter 61-28.1 of the North Dakota Century Code, relating to the powers and duties of the state water commission;"

Page 1, line 2, replace the first "and" with a comma and after "61-28.1-10" insert ", and subsections 1, 2, and 4 of section 61-28.2-01"

Page 1, line 3, replace "department of health" with "water commission"

Page 1, after line 5, insert:

"SECTION 1. A new subsection to section 61-28.1-02 of the North Dakota Century Code is created and enacted as follows:

"Commission" means the state water commission.

SECTION 2. A new section to chapter 61-28.1 of the North Dakota Century Code is created and enacted as follows:

State water commission - Primacy for safe drinking water program. The commission is the state safe drinking water agency for all purposes of the federal Safe Drinking Water Act and is authorized to take all actions necessary and appropriate to secure for the state the benefit of the Act and any grants made under the Act. The commission may request and accept grants of funds or services from any federal or state agency, or any other source, and administer the grants in accordance with any terms or conditions of the grants. Any grants received may be used only for the purposes for which they are made. The commission shall enter an agreement with the state department of health for the department to administer and enforce a safe drinking water program for this state.

Page 2, line 20, overstrike "Designate the state department of health as the state safe drinking water agency"

Page 2, overstrike lines 21 through 23

Page 2, line 24, remove "16."

Page 2, line 29, replace "17" with "16"

Page 3, line 16, replace "On February 17, 1978, the state department of health was" with "Grants from the federal government or its agencies, including the United States environmental protection agency, allotted to the state for the capitalization of the drinking water treatment revolving loan fund, and required state matching funds must be deposited in the drinking water treatment revolving loan fund in compliance with the terms of the grants. The principal of the grants must be available in perpetuity for providing financial assistance as allowed under the Safe Drinking Water Act. To the extent amounts in the revolving loan fund are not required for current obligations or expenditures, these amounts must be invested in interest-bearing obligations."

Page 3, remove lines 17 through 20

Page 3, line 25, replace "for the purpose of providing loans or" with "which must be deposited in the drinking water treatment revolving loan fund to be used for purposes authorized under the Safe Drinking Water Act, including the following:

- a. To provide loans or loan guaranties, or other financial assistance, to community water systems and nonprofit noncommunity water systems eligible for assistance from the revolving loan fund.
- b. As a source of revenue and security for the payment of principal and interest on bonds issued by the state through the North Dakota municipal bond bank if the bond proceeds are deposited in the revolving loan fund.

- c. To buy or refinance debt obligations issued after July 1, 1993, to finance a project eligible for assistance from the revolving loan fund.
- d. To guarantee or purchase insurance for debt obligations issued to finance a project eligible for assistance from the revolving loan fund.
- e. To provide other financial and technical assistance and to make any other expenditure authorized under the Safe Drinking Water Act.
- f. To earn interest before the disbursement of financial or technical assistance.
- g. To pay administrative expenses associated with the revolving loan fund as authorized under the Safe Drinking Water Act."

Page 3, remove lines 26 and 27

Page 4, line 2, after the underscored period insert "The commission and the state department of health may combine the financial administration of the drinking water treatment revolving loan fund and the financial administration of the water pollution control revolving loan fund established under chapter 61-28.2. The commission and the state department of health may cross-collateralize the drinking water treatment revolving loan fund and the water pollution control revolving loan fund as authorized by the administrator of the federal environmental protection agency under the Safe Drinking Water Act."

Page 4, line 5, after the underscored period insert "To establish assistance priorities for the drinking water treatment revolving loan fund, after consultation with other appropriate state agencies.

5."

Page 4, replace lines 7 through 15 with:

"The governor may transfer grant funds from the drinking water treatment revolving loan fund to the water pollution control revolving loan fund established by chapter 61-28.2 and from the water pollution control revolving loan fund to the drinking water treatment revolving loan fund, as authorized by the Safe Drinking Water Act.

SECTION 7. AMENDMENT. Subsections 1, 2, and 4 of section 61-28.2-01 of the North Dakota Century Code are amended and reenacted as follows:

1. ~~It is the determination of the legislative assembly that the federal~~ Federal funds for the administration and implementation of the federal wastewater construction grants program will decline within the years to come, thereby decreasing the amount of funds that the state will have to operate and carry out the functions that it has been assigned to accomplish. In order to continue to provide funds to political subdivisions for the planning, design, construction, and rehabilitation of wastewater treatment facilities, ~~public water supply systems,~~ and other lawful activities connected with this program, ~~it is the purpose of this section to provide~~ provides for the establishment of a revolving loan fund to be capitalized by federal grants, matching state funds when required, and by any other funds generated by the operation of the revolving loan fund.
2. ~~There is established~~ The department shall maintain and operate the water pollution control revolving loan fund, which must be maintained and operated by the state department of health. Grants from the federal government or its agencies allotted to the state for the capitalization of the revolving loan fund, and state matching funds when required, must be deposited directly in the revolving loan fund in compliance with the terms of the federal grant. Money in the revolving loan fund must be expended in a manner consistent with terms and conditions of the grants received by the state and may be used to offer loan guarantees; to provide payments to reduce interest on loans and loan guarantees; to make bond interest subsidies; to provide bond guarantees on behalf of municipalities, other local political subdivisions, and intermunicipal or interstate agencies; to provide assistance to a municipality, other local political subdivisions, or intermunicipal or interstate agencies with respect to the nonfederal share of

the costs of a project; to finance the cost of facility planning and the preparation of plans, specifications, and estimates for construction of publicly owned treatment works or ~~public water supply systems~~; to provide financial assistance for the construction and rehabilitation of a project on the state priority list; to secure principal and interest on bonds issued by a public trust having the state of North Dakota as its beneficiary, or the North Dakota municipal bond bank if the proceeds of such bonds are deposited in the revolving loan fund and to the extent provided in the terms of the federal grant; to provide for loan guarantees for similar revolving funds established by municipalities, other local political subdivisions, or intermunicipal agencies; to purchase debt incurred by municipalities or other local political subdivisions for wastewater treatment projects or ~~public water supply systems~~; to improve credit market access by guaranteeing or purchasing insurance or other credit enhancement devices for local obligations or obligations of a public trust having the state of North Dakota as its beneficiary or the North Dakota municipal bond bank; to fund other programs which the federal government authorizes by the terms of its grants; to fund the administrative expenses of the department associated with the revolving loan fund; and to provide for any other expenditure consistent with the federal grant program and state law. Money not currently needed for the operation of the revolving loan fund or otherwise dedicated may be invested. All interest earned on investments must be credited to the revolving loan fund.

4. The department has the following powers and duties in regard to the revolving loan fund:
 - a. To apply for and accept grants of money from the United States environmental protection agency or other federal agencies for the purpose of making funds available to political subdivisions for the planning, design, construction, and rehabilitation of wastewater treatment facilities, ~~public water supply systems~~, and other related activities. The department may contract to receive such grants, agree to match the grant in whole or in part when required, and to comply with applicable federal laws and regulations in order to secure the grants. Money received through these grants and state matching funds must be deposited into the water pollution control revolving loan fund or used for appropriate administrative purposes.
 - b. To administer the revolving loan fund as established. The department may enter ~~into~~ contracts and other agreements in connection with the operation of the revolving loan fund to the extent necessary or convenient for the implementation of the revolving loan fund program.
 - c. To administer and disburse funds in accordance with the federal Clean Water and ~~Safe Drinking Water Acts~~ Act, as amended.
 - d. To adopt rules as necessary to carry out the provisions of this chapter and meet the requirements of the federal Clean Water and ~~Safe Drinking Water Acts~~ Act, as amended."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2364: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2364 was placed on the Sixth order on the calendar.

Page 1, line 20, remove the overstrike over "~~A misdemeanor~~" and remove "C felony"

Page 1, line 21, overstrike the comma and after "older" insert ", or is guilty of a class C felony if the adult is at least twenty-two years of age and the other person is a minor fifteen years of age or older"

Page 2, line 24, after the second underscored comma insert "or", after "e" insert "of subsection 1", after "or" insert "subdivision", and after "1" insert "if the adult is at least twenty-two years of age"

Page 2, line 25, after "1" insert "or subdivision f of subsection 1 if the adult is at least eighteen years of age and not twenty-two years of age or older"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2375: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2375 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2385: Agriculture Committee (Sen. Wanzek, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2385 was placed on the Sixth order on the calendar.

Page 1, line 12, overstrike "twelve" and insert immediately thereafter "sixteen" and overstrike "4856.228" and insert immediately thereafter "6400"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2394: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2394 was placed on the Sixth order on the calendar.

Page 2, line 18, overstrike "approved by"

Page 2, line 19, overstrike "the American massage therapy association or shows", after "that" insert "meets", and overstrike "applicant is an"

Page 2, line 20, overstrike "active member" and insert immediately thereafter "standards set by the board, which may not be less than the standards"

Page 7, line 17, overstrike the second "and", overstrike the second "the", and remove "American"

Page 7, line 18, overstrike "massage therapy association" and remove "North Dakota chapter"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4015: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SCR 4015 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "which guarantees protection of Social Security trust funds and which excludes Social" with a period

Page 1, remove line 4

Page 1, line 15, remove "which guarantees protection of Social"

Page 1, remove line 16

Page 1, line 17, remove "calculations as required by current law"

Renumber accordingly

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

William C. Parker, Secretary