

## JOURNAL OF THE SENATE

## Fifty-fifth Legislative Assembly

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Bismarck, March 26, 1997

The Senate convened at 8:30 a.m., with President Pro Tem Holmberg presiding.

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

The roll was called and all members were present except Senators Nething and Redlin.

A quorum was declared by the President Pro Tem.

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1112, HB 1182, HB 1274, and HB 1453 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1112:** Reps. Stenehjem; Kretschmar; S. Kelsh

**HB 1182:** Reps. DeKrey; Nottestad; S. Kelsh

**HB 1274:** Reps. Belter; Renner; Warner

**HB 1453:** Reps. DeKrey; Kretschmar; Callahan

**CONSIDERATION OF AMENDMENTS**

**HB 1002, as engrossed: SEN. NALEWAJA (Appropriations Committee) MOVED** that the amendments on SJ page 884 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1002:** A BILL for an Act to provide an appropriation for defraying the expenses of the secretary of state and public printing; and to amend and reenact section 54-09-05 of the North Dakota Century Code, relating to the salary of the secretary of state.

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

**ABSENT AND NOT VOTING:** Freborg; Nething; Redlin; Schobinger

Engrossed HB 1002, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1010, as engrossed: SEN. ROBINSON (Appropriations Committee) MOVED** that the amendments on SJ pages 885-886 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1010:** A BILL for an Act to provide an appropriation for defraying the expenses of the insurance commissioner; and to amend and reenact section 26.1-01-09 of the North Dakota Century Code, relating to the salary of the insurance commissioner.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 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.; 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:** Nething; Redlin

Engrossed HB 1010, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1011: SEN. KRAUTER (Appropriations Committee) MOVED** that the amendments on SJ page 887 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1011:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the securities commissioner.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 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.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin; Stenehjem, B.

HB 1011, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1016, as engrossed: SEN. NAADEN (Appropriations Committee) MOVED** that the amendments on SJ page 887 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1016:** A BILL for an Act to provide an appropriation for defraying the expenses of the division of emergency management.

#### 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; Bowman; Christmann; Cook; DeMers; Fischer; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; 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:** Freborg; Nething; Redlin

Engrossed HB 1016, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1046, as engrossed: SEN. TRAYNOR (Judiciary Committee) MOVED** that the amendments on SJ page 887 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1046:** A BILL for an Act to create and enact a new subsection to section 12.1-01-04 and a new subsection to section 50-06-05.1 of the North Dakota Century Code, relating to the definition of risk assessment and the authority of the department of human services to establish the method of risk assessment; to amend and reenact subsection 11 of section 12.1-32-02 of the North Dakota Century Code, relating to risk assessments in certain presentence investigations; 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, 0 NAYS, 0 EXCUSED, 2 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.; 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:** Nething; Redlin

Engrossed HB 1046, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1100: SEN. MUTCH (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 887-888 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1100:** A BILL for an Act to amend and reenact sections 14-02.4-21 and 34-05-03 of the North Dakota Century Code, relating to records and information furnished to the labor commissioner.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 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.; 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:** Nething; Redlin

HB 1100, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1257, as engrossed and amended: SEN. TRAYNOR (Judiciary Committee) MOVED** that the amendments on SJ page 888 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1257:** A BILL for an Act to create and enact a new section to chapter 23-27 of the North Dakota Century Code, relating to supervision of emergency medical services personnel; and to amend and reenact section 23-27-04.3 of the North Dakota Century Code, relating to emergency medical services personnel.

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

**YEAS:** Andrist; Berg; Bowman; 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.; O'Connell; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wogsland; Yockim

**NAYS:** Kinnoin; Solberg; Wanzek; Watne

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed HB 1257, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1297: SEN. W. STENEHJEM (Judiciary Committee) MOVED** that the amendments on SJ page 889 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1297:** 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; to amend and reenact subsection 1 of section 32-03.2-11 of the North Dakota Century Code, relating to exemplary damages; and to provide for application.

#### 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, 1 NAY, 0 EXCUSED, 2 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.; O'Connell; 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:** Nething; Redlin

HB 1297, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1312, as reengrossed: SEN. GRINDBERG (Education Committee) MOVED** that the amendments on SJ pages 889-890 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1312:** A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to authorization for board of higher education institutions to borrow from the Bank of North Dakota; and to amend and reenact sections 15-10-08 and 44-04-18.4 of the North Dakota Century Code, relating to compensation of state board of higher education members and confidentiality of information regarding grants and contracts of institutions of higher education.

#### 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; 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.; 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:** Nething; Redlin

Reengrossed HB 1312, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1448, as engrossed: SEN. THOMPSON (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 890 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1448:** A BILL for an Act to amend and reenact sections 52-04-05 and 52-06-05 of the North Dakota Century Code, relating to the determination of rates and unemployment compensation maximum potential benefits; and to provide an expiration date.

#### ROLL CALL

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

**YEAS:** Andrist; Berg; Bowman; 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.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** LaFountain

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed HB 1448, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. B. STENEHJEM MOVED** that the Senate do concur in the House amendments to Engrossed SB 2198 as printed on SJ page 826, which motion prevailed on a voice vote.

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

#### SECOND READING OF SENATE BILL

**SB 2198:** A BILL for an Act to create and enact a new section to chapter 35-20 of the North Dakota Century Code, relating to creation of a landlord's lien on a mobile home.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Lips; Nething; Redlin

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

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. TRAYNOR MOVED** that the Senate do concur in the House amendments to Reengrossed SB 2260 as printed on SJ page 808, which motion prevailed on a voice vote.

Reengrossed SB 2260, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2260:** A BILL for an Act to create and enact a new section to chapter 61-03 of the North Dakota Century Code, relating to removal, modification, or destruction of dangers in, on the bed of, or adjacent to a navigable lake; to amend and reenact section 57-28-09 of the North Dakota Century Code, relating to tax deeds issued to the state; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 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; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; 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:** Lindaas; Nothing; Redlin

Reengrossed SB 2260, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. W. STENEHJEM MOVED** that the Senate do concur in the House amendments to Engrossed SB 2369 as printed on SJ page 813, which motion prevailed on a voice vote.

Engrossed SB 2369, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2369:** A BILL for an Act to amend and reenact subsections 1 and 2 of section 12.1-06.1-01, subsection 3 of section 12.1-06.1-02, section 12.1-06.1-04, subsections 1, 2, 4, 5, and 7 of section 12.1-06.1-05, subsection 1 of section 12.1-06.1-06, and subsections 1 and 2 of section 12.1-06.1-07 of the North Dakota Century Code, relating to the illegal transportation or disposal of radioactive waste material or hazardous waste; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; 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.; 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:** LaFountain; Nothing; Redlin

Engrossed SB 2369, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. ANDRIST MOVED** that the Senate do concur in the House amendments to Engrossed SB 2379 as printed on SJ page 798, which motion prevailed on a voice vote.

Engrossed SB 2379, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2379:** A BILL for an Act to amend and reenact sections 18-12-04, 40-28-03, and 61-35-102 of the North Dakota Century Code, relating to construction supervision by engineers.

**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; Bowman; 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.; 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:** LaFountain; Nething; Redlin

Engrossed SB 2379, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NAADEN MOVED** that the Senate do concur in the House amendments to SB 2023 as printed on SJ page 796, which motion prevailed on a voice vote.

SB 2023, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2023:** A BILL for an Act to amend and reenact section 50-06.4-04, subsection 3 of section 50-24.1-01.3, and section 54-16-04 of the North Dakota Century Code, relating to appropriation authority and the powers and duties of the budget section of the legislative council; and to repeal sections 52-02.1-05, 54-14-01.1, and 57-01-11.1 of the North Dakota Century Code, chapter 63 of the 1989 Session Laws, and section 11 of chapter 22 of the 1993 Session Laws, relating to the office of the budget and the powers and duties of the budget section of the legislative council.

**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; Bowman; 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.; 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:** LaFountain; Nething; Redlin

SB 2023, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KREBSBACH MOVED** that the Senate do concur in the House amendments to Engrossed SB 2052 as printed on SJ pages 732-735, which motion prevailed on a voice vote.

Engrossed SB 2052, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2052:** A BILL for an Act to amend and reenact sections 4-09-03.1, 4-10.2-05, 4-10.3-05, 4-10.4-05, 4-10.5-04, 4-10.6-04, subsection 3 of section 4-27-05, section 4-28-05, the new section as provided by section 5 of Senate Bill No. 2124, sections 12-59-02, 15-10-08, 21-10-01, 23-01-02, 23-18.2-04, 24-02-37.1, subsection 2 of section 25-02-01.1, sections 25-04-20, 43-12.1-07, 43-35-07, 49-21-22.1, subdivision a of subsection 4 of section 49-23-03, subsection 13 of the new section to chapter 50-01.2 as created by section 2 of House Bill No. 1041, section 54-03-19.1, subsection 4 of section 54-06-25, the new section as provided by section 4 of Senate Bill No. 2298, sections 54-24.3-02, 54-24.4-02 as created by section 19 of House Bill No. 1035, 54-35.2-04, subsection 6 of section 54-52-03, the new section as provided by section 4 of Senate Bill No. 2271, sections 61-02-12, 61-04.1-07, 61-06-22, 61-24-04, 61-24.5-04, the new section as provided by section 3 of Senate Bill No. 2239, and the new section to chapter 65-02 as created by section 4 of House Bill No. 1440, of the North Dakota

Century Code, relating to compensation and reimbursement of members of various boards, councils, and commissions and the appointment of members of the legislative compensation commission.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 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.; 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:** Nelson, G.; Nething; Redlin

Engrossed SB 2052, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. KREBSBACH MOVED** that the Senate do concur in the House amendments to SB 2054 as printed on SJ page 807, which motion prevailed on a voice vote.

SB 2054, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2054:** A BILL for an Act to amend and reenact section 54-35-02.1 of the North Dakota Century Code, relating to the membership of the budget section and the legislative audit and fiscal review committee; 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 46 YEAS, 1 NAY, 0 EXCUSED, 2 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.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** O'Connell

**ABSENT AND NOT VOTING:** Nething; Redlin

SB 2054, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. KREBSBACH MOVED** that the Senate do concur in the House amendments to SB 2056 as printed on SJ pages 807-808, which motion prevailed on a voice vote.

SB 2056, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2056:** A BILL for an Act to amend and reenact section 54-03-20 and subsection 1 of section 54-06-09 of the North Dakota Century Code, relating to expense reimbursement for members of the legislative assembly and mileage and travel expense of state officers and employees; to provide for retroactive application; 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 46 YEAS, 1 NAY, 0 EXCUSED, 2 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.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** O'Connell

**ABSENT AND NOT VOTING:** Nething; Redlin

SB 2056, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. URLACHER MOVED** that the Senate do concur in the House amendments to Engrossed SB 2070 as printed on SJ page 810, which motion prevailed on a voice vote.

Engrossed SB 2070, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2070:** A BILL for an Act to amend and reenact subdivision a of subsection 3 of section 57-02-08.3, subsection 2 of section 57-09-01, and subsection 2 of section 57-11-01 of the North Dakota Century Code, relating to when interest on a lien for homestead credit for special assessments begins to accrue and making the township clerk or city auditor responsible for publishing the notice of the annual meeting of the township board of equalization and of the annual meeting of the city board of equalization.

#### 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; 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.; 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:** Nething; Redlin

Engrossed SB 2070, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. URLACHER MOVED** that the Senate do concur in the House amendments to SB 2071 as printed on SJ page 796, which motion prevailed on a voice vote.

SB 2071, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2071:** A BILL for an Act to create and enact a new section to chapter 1-08 and a new subsection to section 57-51-06 of the North Dakota Century Code, relating to alternative methods of signing, subscribing, or verifying documents and oil and gas tax returns; and to amend and reenact sections 57-38-31, 57-38-32, subsection 3 of section 57-39.2-11, sections 57-43.1-04, 57-43.1-16, and 57-43.2-12 of the North Dakota Century Code, relating to alternative methods of signing, subscribing, or verifying income, sales, use, motor vehicle fuels, and special fuels tax returns.

#### 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; 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.; 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:** Nething; Redlin

SB 2071, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. URLACHER MOVED** that the Senate do concur in the House amendments to Engrossed SB 2072 as printed on SJ pages 711-712, which motion prevailed on a voice vote.

Engrossed SB 2072, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2072:** A BILL for an Act to create and enact a new subsection to section 57-40.2-02 of the North Dakota Century Code, relating to the imposition of a use tax on natural gas; to amend and reenact subsection 6 of section 57-39.2-04 and section 57-40.3-05 of the North Dakota Century Code, relating to a sales tax exemption for a political subdivision of another state and the requirement for a seller's certificate under the motor vehicle excise tax; and to repeal sections 57-37.1-12, 57-37.1-13, 57-37.1-14, and 57-40.3-05.1 of the North Dakota Century Code, relating to inventory of safety deposit boxes upon the death of the lessor, the notice of transfer of a decedent's assets, penalties for violating the duties of a depository, and the requirement of a seller's certificate under the motor vehicle excise tax.

#### 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; 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.; 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:** Nething; Redlin

Engrossed SB 2072, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. URLACHER MOVED** that the Senate do concur in the House amendments to SB 2089 as printed on SJ page 712, which motion prevailed on a voice vote.

SB 2089, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2089:** A BILL for an Act to amend and reenact subsection 1 of section 57-38.3-02 of the North Dakota Century Code, relating to inclusion of job service North Dakota and the workers compensation bureau in the definition of claimant agency for income tax refund setoff purposes.

#### 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; 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.; 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:** Nething; Redlin

SB 2089, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. MUTCH MOVED** that the Senate do concur in the House amendments to Engrossed SB 2091 as printed on SJ page 657, which motion prevailed on a voice vote.

Engrossed SB 2091, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2091:** A BILL for an Act to amend and reenact section 44-04-18.5 of the North Dakota Century Code, relating to open records exemptions for computer software programs developed by a state agency and authorizing agreements for licensing of computer software programs; 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 43 YEAS, 2 NAYS, 0 EXCUSED, 4 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.; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** O'Connell; Tomac

**ABSENT AND NOT VOTING:** Nelson, G.; Nothing; Redlin; Sand

Engrossed SB 2091, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. W. STENEHJEM MOVED** that the Senate do concur in the House amendments to Engrossed SB 2099 as printed on SJ page 780, which motion prevailed on a voice vote.

Engrossed SB 2099, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2099:** A BILL for an Act to create and enact chapter 41-08 and two new sections to chapter 41-09 of the North Dakota Century Code, relating to the Uniform Commercial Code revised article 8 pertaining to investment securities, investment property, and security interests arising in purchase or delivery of financial assets; to amend and reenact subsection 1 of section 10-19.1-67, subsection 3 of section 10-32-28, subdivision e of subsection 2 of section 41-01-05, subsection 2 of section 41-01-16, subdivision f of subsection 1 of section 41-04-04, subsection 2 of section 41-05-14, subsection 6 of section 41-09-03, sections 41-09-05, 41-09-06, subsections 1 and 4 of section 41-09-16, subdivision d of subsection 1 of section 41-09-22, subsection 1 of section 41-09-23, subsection 1 of section 41-09-24, sections 41-09-25, 41-09-26, subsections 1 and 3 of section 41-09-27, section 41-09-30, and subsections 1 and 7 of section 41-09-33 of the North Dakota Century Code, relating to adoption of revised article 8; and to repeal chapter 10-18.1 and the present chapter 41-08 of the North Dakota Century Code, relating to the Uniform Act for the Simplification of Fiduciary Security Transfers and investment securities.

#### 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; 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.; 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:** Nething; Redlin

Engrossed SB 2099, as amended, passed and the title was agreed to.

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#### MOTION

**SEN. GOETZ MOVED** that SB 2101 be moved to the bottom of the calendar, which motion prevailed.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. MUTCH MOVED** that the Senate do concur in the House amendments to SB 2106 as printed on SJ page 691, which motion prevailed on a voice vote.

SB 2106, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2106:** A BILL for an Act to create and enact a new subsection to section 5-02-02 of the North Dakota Century Code, relating to payment of background check costs.

#### 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; 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.; 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:** Kringstad; Nelson, G.; Nething; Redlin

SB 2106, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. MUTCH MOVED** that the Senate do concur in the House amendments to SB 2117 as printed on SJ pages 712-713, which motion prevailed on a voice vote.

SB 2117, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2117:** A BILL for an Act to create and enact two new sections to chapter 7-01 of the North Dakota Century Code, relating to a state or federal savings and loan association conversion to a state-chartered commercial bank; and to amend and reenact sections 6-03-13.5, 7-01-07, 7-02-11.1, and 7-02-14 of the North Dakota Century Code, relating to a state or federal savings and loan association conversion to a state-chartered commercial bank, federal deposit insurance, and powers granted to state-chartered associations.

#### 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; 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.; 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:** Nething; Redlin

SB 2117, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. MUTCH MOVED** that the Senate do concur in the House amendments to Engrossed SB 2118 as printed on SJ page 713, which motion prevailed on a voice vote.

Engrossed SB 2118, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2118:** A BILL for an Act to create and enact a new subsection to section 6-03-27 of the North Dakota Century Code, relating to filing a list of bank holding company stockholders; and to amend and reenact subsection 6 of section 6-01-04.1, section 6-01-07, if Senate Bill No. 2287 of the fifty-fifth legislative assembly does not become effective, section 6-01-20, and subsection 1 of section 6-03-02 and section 6-03-15.1 of the North Dakota Century Code, relating to removal of a financial corporation's or institution's employees, confidentiality of bank and credit union reports of examination, Bank of North Dakota access to examination and other information, a banking association's period of existence, and temporary relocating of a bank office.

**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; 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.; 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:** Cook; Nething; Redlin

Engrossed SB 2118, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. W. STENEHJEM MOVED** that the Senate do concur in the House amendments to Engrossed SB 2128 as printed on SJ page 797, which motion prevailed on a voice vote.

Engrossed SB 2128, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2128:** A BILL for an Act to amend and reenact sections 12-59-02, 12-59-04, 12-59-05, 12-59-07, 12-59-08, 12-59-09, 12-59-10, 12-59-15, and subsections 1 and 2 of section 12.1-33-02.1, relating to parole proceedings, records, requirements, and violations; and to repeal section 12-59-16, relating to execution of an order for recommitment of a prisoner.

**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; 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.; 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:** Nething; Redlin

Engrossed SB 2128, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. MUTCH MOVED** that the Senate do concur in the House amendments to Engrossed SB 2157 as printed on SJ page 714, which motion prevailed on a voice vote.

Engrossed SB 2157, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2157:** A BILL for an Act to amend and reenact section 21-04-09 of the North Dakota Century Code, relating to pledges to secure public deposits.

**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; 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.; 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:** Nething; Redlin

Engrossed SB 2157, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. W. STENEHJEM MOVED** that the Senate do concur in the House amendments to Engrossed SB 2175 as printed on SJ page 798, which motion prevailed on a voice vote.

Engrossed SB 2175, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2175:** A BILL for an Act to amend and reenact sections 16.1-06-06, 16.1-07-09, 16.1-09-02, 16.1-11-13, 16.1-11-19, 16.1-15-17, 16.1-15-22, and 44-08-21 of the North Dakota Century Code, relating to general election ballots for persons authorized to vote for presidential electors only, canvassing late absentee ballots, presidential candidates personal disclosure statements, filing of certificates with the secretary of state showing the names and addresses of persons nominated in the county by county auditors, filling vacancies existing on the no-party ballot, time when county canvassing boards are required to meet, recall elections, and deadlines for candidates to file in recall elections.

**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; 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.; 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:** Nething; Redlin

Engrossed SB 2175, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. ANDRIST MOVED** that the Senate do concur in the House amendments to Engrossed SB 2200 as printed on SJ pages 735-736, which motion prevailed on a voice vote.

Engrossed SB 2200, as amended, was placed on the Eleventh order of business on the calendar.

**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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 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.; 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:** Nething; Redlin

Engrossed SB 2200, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. THANE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2208 as printed on SJ page 810, which motion prevailed on a voice vote.

Engrossed SB 2208, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2208:** A BILL for an Act to create and enact two new sections to chapter 23-07.1 of the North Dakota Century Code, relating to the control of tuberculosis; to amend and reenact sections 23-07.1-01, 23-07.1-04, 23-07.1-05, 23-07.1-06, 23-07.1-07, 23-07.1-08, 23-07.1-09, 23-07.1-10, 23-07.1-12, 23-07.1-13, and 23-07.1-14 of the North Dakota Century Code, relating to the control and eradication of tuberculosis; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 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.; O'Connell; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin; Robinson; Urlacher

**SEN. ROBINSON STATED** that it was his intention to vote YEA on Engrossed SB 2208, as amended, so the final vote was 46 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

Engrossed SB 2208, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. W. STENEHJEM MOVED** that the Senate do concur in the House amendments to Engrossed SB 2210 as printed on SJ pages 810-811, which motion prevailed on a voice vote.

Engrossed SB 2210, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2210:** A BILL for an Act to create and enact chapter 10-33 of the North Dakota Century Code, relating to nonprofit corporations; to amend and reenact subsection 2 of section 11-10-24, sections 14-03-09, 15-17-01, 18-05-01, 26.1-14-03, 26.1-17-11, subsection 2 of section 40-01-23, subsection 12 of section 49-23-01, subsection 8 of section 54-01.1-02, section 55-03-01, subsection 2 of section 61-16.1-60, and section 61-35-29 of the North Dakota Century Code, relating to references to the Nonprofit Corporations Act; to repeal chapters 10-24, 10-25, 10-26, 10-27, and 10-28 of the North Dakota Century Code, relating to the Nonprofit Corporations Act; to provide a penalty; 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, 0 NAYS, 0 EXCUSED, 2 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.; 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:** Nething; Redlin

Engrossed SB 2210, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. W. STENEHJEM MOVED** that the Senate do concur in the House amendments to Engrossed SB 2221 as printed on SJ pages 826-827, which motion prevailed on a voice vote.

Engrossed SB 2221, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2221:** A BILL for an Act to create and enact a new chapter to title 12.1 of the North Dakota Century Code, relating to barring perpetrators of certain crimes from recovering for injuries sustained during criminal conduct.

**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; Bowman; 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.; 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:** LaFountain; Nething; Redlin

Engrossed SB 2221, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. W. STENEHJEM MOVED** that the Senate do concur in the House amendments to SB 2235 as printed on SJ pages 780-781, which motion prevailed on a voice vote.

SB 2235, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2235:** A BILL for an Act to amend and reenact subsections 3 and 5 of section 14-05-22 and subdivision j of subsection 1 of section 14-09-06.2 of the North Dakota Century Code, relating to the effect of domestic violence on visitation rights and child custody proceedings; 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 44 YEAS, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Berg; Bowman; 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.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

**NAYS:** Yockim

**ABSENT AND NOT VOTING:** Andrist; LaFountain; Nething; Redlin

SB 2235, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**MOTION**

**SEN. GOETZ MOVED** that SB 2101 be moved to the top of the calendar, which motion prevailed.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KREBSBACH MOVED** that the Senate do concur in the House amendments to SB 2101 as printed on SJ page 810, which motion prevailed on a voice vote.

SB 2101, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2101:** A BILL for an Act to amend and reenact subsection 1 of section 52-11-01 of the North Dakota Century Code, relating to job service North Dakota and national guard retirement programs.

**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; Bowman; 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.; 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:** LaFountain; Nething; Redlin

SB 2101, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. MUTCH MOVED** that the Senate do not concur in the House amendments to SB 2132 as printed on SJ page 810 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2132: Sens. Klein, Sand, Thompson.

**MOTION**

**SEN. GRINDBERG MOVED** that the Senate Conference Committee on SCR4010 be dissolved and that a new conference committee be appointed, which motion prevailed.

**THE PRESIDENT APPOINTED** as a new Conference Committee on SCR4010: Sens. Grindberg, Cook, O'Connell.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2132 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2132:** Sens. Klein; Sand; Thompson

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

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

**SCR 4010:** Sens. Grindberg; Cook; O'Connell

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

**MADAM PRESIDENT:** The Speaker has appointed Rep. Koppelman to replace Rep. Stenehjem on the Conference Committee on HB 1112.

**MOTION**

**SEN. GOETZ MOVED** that the Senate stand in recess until 12:30 p.m., which motion prevailed.

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

**SECOND READING OF HOUSE BILL**

**HB 1153:** A BILL for an Act to create and enact three new sections to chapter 32-12.2 of the North Dakota Century Code, relating to confidentiality of risk management liability reserve and fund records, meetings and records of agency loss control committees, and contracts between the state and political subdivisions; to amend and reenact sections 32-12.2-01, 32-12.2-02, 32-12.2-03, 32-12.2-04, 32-12.2-07, 32-12.2-08, and 32-12.2-09 of the North Dakota Century Code, relating to definitions, damage limitations, exclusions from liability, employee defense, settlement of claims, payment of claims, and the relationship to insurance coverage of the risk management fund; and to repeal sections 26.1-21-10.1 and 26.1-21-10.2 of the North Dakota Century Code, relating to defense of state employees in tort liability cases and expenses paid from the state bonding fund.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 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.; 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:** Nothing; Redlin

Engrossed HB 1153, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1168:** A BILL for an Act to create and enact section 26.1-36.4-03.1 of the North Dakota Century Code, relating to preexisting condition provisions; to amend and reenact sections 26.1-08-01, 26.1-08-04, 26.1-08-06, 26.1-08-06.1, 26.1-08-07, 26.1-08-12, subsection 3 of section 26.1-08-13, sections 26.1-36.3-01, 26.1-36.3-05, 26.1-36.3-06, subsection 1 of section 26.1-36.3-11, sections 26.1-36.4-02, 26.1-36.4-03, 26.1-36.4-04, and 26.1-36.4-05 of the North Dakota Century Code, relating to the comprehensive health association of North Dakota, small group health insurance, and individual health insurance; to repeal section 26.1-08-05, relating to the comprehensive health association of North Dakota; to provide for application; to provide an effective date; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 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.; 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:** Nething; Redlin

Engrossed HB 1168, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1435:** A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to political subdivision hearings concerning public health, natural resources, or the environment; and to amend and reenact section 11-35-01 of the North Dakota Century Code, relating to formation of joint zoning commissions by political subdivisions.

### 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 31 YEAS, 16 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Berg; Cook; DeMers; Goetz; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Kringstad; LaFountain; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; O'Connell; Robinson; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Watne; Wogsland; Yockim

**NAYS:** Andrist; Bowman; Christmann; Fischer; Freborg; Grindberg; Klein; Krebsbach; Lee; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Wanzek

**ABSENT AND NOT VOTING:** Nething; Redlin

HB 1435, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1467:** A BILL for an Act to create and enact a new subsection to section 57-39.2-04 and a new section to chapter 57-61 of the North Dakota Century Code, relating to an exemption for sales of coal used in agricultural processing or sugar beet refining plants and a reduction of the severance tax for coal burned in small boilers; and to amend and reenact sections 57-39.2-02.1, 57-39.2-26.1, and 57-40.2-02.1 of the North Dakota Century Code, relating to the imposition of a sales and use tax on coal and the allocation of sales and use tax revenues from coal.

### 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; 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.; 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:** Nething; Redlin

Engrossed HB 1467, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1115:** A BILL for an Act to amend and reenact section 4-28-07 of the North Dakota Century Code, relating to the wheat tax levy rate.

**MOTION**

**SEN. NELSON MOVED** the question be put at 1:15 p.m., which motion prevailed.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 35 YEAS, 12 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

**NAYS:** Berg; DeMers; Heitkamp; Kelsh; LaFountain; Lindaas; Mutzenberger; Nelson, C.; O'Connell; Thompson; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin

HB 1115 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1191:** A BILL for an Act to create and enact section 28-32-03.4 of the North Dakota Century Code, relating to authority of the committee on administrative rules to call up existing administrative rules for review; to amend and reenact subsection 1 of section 28-32-03.3 of the North Dakota Century Code, relating to authority of the committee on administrative rules to void or object to administrative rules; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 25 YEAS, 22 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Klein; Mutch; Naaden; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tomac; Traynor; Urlacher; Wanzek; Watne

**NAYS:** Berg; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutzenberger; Nalewaja; Nelson, C.; O'Connell; Tallackson; Thane; Thompson; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed HB 1191 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1206:** A BILL for an Act to amend and reenact section 54-35-01 of the North Dakota Century Code, relating to the composition of the North Dakota legislative council; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 43 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Goetz; Naaden; Nelson, G.; Solberg

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

**ABSENT AND NOT VOTING:** Nething; Redlin

HB 1206 lost.

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**MOTION**

**SEN. GOETZ MOVED** that the Senate stand in recess until 4:15 p.m., which motion prevailed.

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

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. W. STENEHJEM MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1103, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1103: Sens. B. Stenehjem, Schobinger, O'Connell.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. W. STENEHJEM MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1112, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1112: Sens. W. Stenehjem, Traynor, Andrist.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. URLACHER MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1163, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1163: Sens. Kringstad, Urlacher, Tomac.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. W. STENEHJEM MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1167, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1167: Sens. Traynor, W. Stenehjem, Berg.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. TRAYNOR MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1182, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1182: Sens. Freborg, Christmann, Kelsh.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. TRAYNOR MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1190, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1190: Sens. Christmann, Fischer, Kelsh.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. MUTCH MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1238, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1238: Sens. Krebsbach, Sand, Thompson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. ANDRIST MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1240, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1240: Sens. Watne, Grindberg, Berg.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. B. STENEHJEM MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1243, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1243: Sens. Schobinger, Cook, Lindaas.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. URLACHER MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1274, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1274: Sens. Kringstad, Christmann, Kinnoin.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. URLACHER MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1301, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1301: Sens. Kringstad, Schobinger, Kinnoin.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. W. STENEHJEM MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1306, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1306: Sens. Watne, W. Stenehjem, C. Nelson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. W. STENEHJEM MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1357, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1357: Sens. Andrist, Watne, Mutzenberger.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. URLACHER MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1340, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1340: Sens. Kringstad, Schobinger, Tomac.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. MUTCH MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1387, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1387: Sens. Sand, Klein, Thompson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. MUTCH MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1412, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1412: Sens. Mutch, Krebsbach, Lindaas.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. W. STENEHJEM MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1453, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1453: Sens. Andrist, Traynor, Berg.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FREBORG MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2173 as printed on SJ page 863 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2173: Sens. Freborg, Wanzek, Kelsh.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. THANE MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2301 as printed on SJ page 809 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2301: Sens. Lee, Fischer, DeMers.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. WANZEK MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2324 as printed on SJ pages 883-884 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2324: Sens. Wanzek, Sand, Kinnoin.

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

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

**HB 1412:** Sens. Mutch; Krebsbach; Lindaas

**HB 1453:** Sens. Andrist; Traynor; Berg

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

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

**HB 1243:** Sens. Schobinger; Cook; Lindaas

**HB 1274:** Sens. Kringstad; Christmann; Kinnoin

**HB 1301:** Sens. Kringstad; Schobinger; Kinnoin

**HB 1306:** Sens. Watne; W. Stenehjem; C. Nelson

**HB 1340:** Sens. Kringstad; Schobinger; Tomac

**HB 1357:** Sens. Andrist; Watne; Mutzenberger

**HB 1387:** Sens. Sand; Klein; Thompson

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

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

**HB 1103:** Sens. B. Stenehjem; Schobinger; O'Connell

**HB 1112:** Sens. W. Stenehjem; Traynor; Andrist

**HB 1163:** Sens. Kringstad; Urlacher; Tomac

**HB 1167:** Sens. Traynor; W. Stenehjem; Berg

**HB 1182:** Sens. Freborg; Christmann; Kelsh

**HB 1190:** Sens. Christmann; Fischer; Kelsh

**HB 1238:** Sens. Krebsbach; Sand; Thompson

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2173, SB 2301, and SB 2324 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2173:** Sens. Freborg; Wanzek; Kelsh

**SB 2301:** Sens. Lee; Fischer; DeMers

**SB 2324:** Sens. Wanzek; Sand; Kinnoin

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2101, SB 2106, SB 2117, SB 2118, SB 2128, SB 2157, SB 2175, SB 2200, SB 2208, SB 2210, SB 2221, SB 2235.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2023, SB 2052, SB 2054, SB 2056, SB 2070, SB 2071, SB 2072, SB 2089, SB 2091, SB 2099, SB 2198, SB 2260, SB 2369, SB 2379.

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1085 and HB 1478 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1085:** Reps. Koppelman; Kretschmar; Callahan

**HB 1478:** Reps. Kliniske; Kilzer; Kerzman

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1007 and HB 1456 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1007:** Reps. Gerntholz; Soukup; Huether

**HB 1456:** Reps. R. Kelsch; Grande; Grumbo

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

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

**SCR 4010:** Reps. DeKrey; Kretschmar; Callahan

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

**MADAM PRESIDENT:** The Speaker has appointed Rep. Delmore to replace Rep. Callahan on the Conference Committee on SCR 4010.

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

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

**SB 2116:** Reps. Carlson; Skarphol; Glassheim

**SB 2136:** Reps. Froseth; Axtman; Thorpe

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

**MADAM PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1063, HB 1137, HB 1138, HB 1141, HB 1142, HB 1147, HB 1158, HB 1159, HB 1161, HB 1162, HB 1440.

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

**MADAM PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1259, HB 1267, HB 1324, HB 1339, HB 1344, HB 1346, HB 1351, HB 1359, HB 1362, HB 1364, HB 1368, HB 1399, HB 1418, HB 1445.

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

**MADAM PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1189, HB 1210.

**SECOND READING OF HOUSE BILL**

**HB 1216:** A BILL for an Act to create and enact a new section to chapter 15-38 of the North Dakota Century Code, relating to the initial certification of teachers.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell;

Robinson; Sand; Schobinger; Solberg; St. Aubyn; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Yockim

**NAYS:** Christmann; Stenehjem, B.; Stenehjem, W.; Wogsland

**ABSENT AND NOT VOTING:** Heitkamp; Nething; Redlin; Watne

Engrossed HB 1216 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1388:** A BILL for an Act to amend and reenact section 54-17-03 of the North Dakota Century Code, relating to the legal counsel for the industrial commission.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Heitkamp; Nething; Redlin; Watne

Engrossed HB 1388 lost.

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#### SECOND READING OF HOUSE BILL

**HB 1413:** A BILL for an Act to create and enact a new subsection to section 26.1-23.1-01 and two new sections to chapter 26.1-23.1 of the North Dakota Century Code, relating to private nonprofit entities joining government self-insurance pools and creation of a government self-insurance pool board of directors; to amend and reenact section 26.1-23.1-03 of the North Dakota Century Code, relating to the governing framework of government self-insurance pools; and to provide for transition.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 9 YEAS, 36 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Christmann; Grindberg; Kelsh; Klein; Mutch; Naaden; Nalewaja; Solberg

**NAYS:** Andrist; Berg; Cook; DeMers; Fischer; Freborg; Goetz; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutzenberger; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Heitkamp; Nething; Redlin; Watne

Engrossed HB 1413 lost.

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#### MOTION

**SEN. SAND MOVED** that the Senate reconsider its action whereby Engrossed HB 1396, as amended, passed, which motion prevailed on a verification vote.

#### MOTION

**SEN. TRAYNOR MOVED** that Engrossed HB 1396, as amended, be further amended as follows:

In addition to the amendments adopted by the Senate as printed on page 848 of the Senate Journal, Engrossed House Bill No. 1396 is amended as follows:

Page 848 of the Senate Journal, line 21, after the period insert "A person who receives an antlered mule deer license by lottery may transfer that license to a resident eligible to participate in the youth deer hunting season established pursuant to this section."

Renumber accordingly

The question being on the motion to adopt the proposed further amendments to Engrossed HB 1396, as amended, the motion failed on a verification vote.

#### SECOND READING OF HOUSE BILL

**HB 1396:** A BILL for an Act to create and enact a new subsection to section 20.1-03-11 and a new section to chapter 20.1-08 of the North Dakota Century Code, relating to the hunting of mule deer by nonresidents and the governor's proclamation concerning the resident youth deer hunting season.

#### REQUEST

**SEN. B. STENEHJEM REQUESTED** that the Senate divide Engrossed HB 1396, as amended, which request was granted.

**DIVISION A:** Section 2 of the engrossed bill as amended by the Senate.

**DIVISION B:** Section 1 of the engrossed bill as amended by the Senate.

#### ANNOUNCEMENT

**PRESIDENT MYRDAL ANNOUNCED** a recorded roll call vote on Division A of Engrossed HB 1396, as amended.

#### ROLL CALL

The question being on the adoption of Division A of Engrossed HB 1396, as amended, the roll was called and there were 19 YEAS, 26 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Christmann; Cook; Fischer; Freborg; Kelsh; Klein; Krebsbach; Kringstad; Lindaas; Mathern; Mutch; Nelson, G.; Schobinger; Solberg; Thompson; Traynor; Urlacher; Yockim

**NAYS:** Andrist; Berg; DeMers; Goetz; Grindberg; Holmberg; Kinnoin; Krauter; LaFountain; Lee; Lips; Mutzenberger; Naaden; Nalewaja; Nelson, C.; O'Connell; Robinson; Sand; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Wanzek; Wogsland

**ABSENT AND NOT VOTING:** Heitkamp; Nething; Redlin; Watne

Division A of Engrossed HB 1396, as amended, lost.

#### ANNOUNCEMENT

**PRESIDENT MYRDAL ANNOUNCED** a recorded roll call vote on Division B of Engrossed HB 1396, as amended.

#### ROLL CALL

The question being on the adoption of Division B of Engrossed HB 1396, as amended, the roll was called and there were 42 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**NAYS:** Christmann; Fischer; Wanzek

**ABSENT AND NOT VOTING:** Heitkamp; Nething; Redlin; Watne

Division B of Engrossed HB 1396 passed.

Therefore, the question before the Senate was the final passage of Engrossed HB 1396, as amended, including Division B, and excluding Division A.

**HB 1396:** A BILL for an Act to create and enact a new subsection to section 20.1-03-11 of the North Dakota Century Code, relating to the hunting of mule deer by nonresidents.

**ROLL CALL**

The question being on the final passage of the amended bill, including Division B and excluding Division A, which has been read, the roll was called and there were 41 YEAS, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**NAYS:** Christmann; Cook; Fischer; Wanzek

**ABSENT AND NOT VOTING:** Heitkamp; Nething; Redlin; Watne

Engrossed HB 1396, as amended, including Division B and excluding Division A, passed and the title was agreed to.

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**MOTION**

**SEN. W. STENEHJEM MOVED** that Sen. C. Nelson replace Sen. Berg on the conference committee on SB 2344, which motion prevailed.

**MOTION**

**SEN. GOETZ MOVED** that Senate Rule 507 be amended to read "fifty-ninth legislative day", thereby extending the deadline for reporting House bills and resolutions back to the Senate from committee, which motion prevailed.

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

**MR. SPEAKER:** The President has appointed Sen. C. Nelson to replace Sen. Berg on the Conference Committee on SB 2344.

**MOTION**

**SEN. GOETZ MOVED** that the absent members be excused, which motion prevailed.

**MOTION**

**SEN. GOETZ MOVED** that the Senate be on the Fifth, Seventh, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Thursday, March 27, 1997, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1014, as engrossed: Appropriations Committee (Sen. Naaden, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1014 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "2,110,787" with "2,134,598"

Page 1, line 12, replace "700,000" with "723,811"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 360 - PROTECTION AND ADVOCACY PROJECT

SENATE - This amendment provides for an increase of \$23,811 to restore a .5 FTE administrative secretary.

**REPORT OF STANDING COMMITTEE**

**HB 1031: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1031 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1034, as reengrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations**

**Committee** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1034 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 four new sections to chapter 54-44.2 of the North Dakota Century Code, relating to information technology planning, standards, setting, and reviews by the information services division; to amend and reenact sections 15-65-01, 15-65-02, 15-65-03, 15-65-06, 54-35-15, 54-44.2-00.1, 54-44.2-01, 54-44.2-02, 54-44.2-04, 54-44.2-06, 54-44.2-07, and 54-44.2-08 of the North Dakota Century Code, relating to the educational telecommunications council, information technology responsibilities of the legislative council, and duties and responsibilities of the information services division; to repeal sections 15-65-04, 54-44.2-02.1, 54-44.2-02.2, 54-44.2-02.3, 54-44.2-02.4, and 54-44.2-02.5 of the North Dakota Century Code, relating to the educational telecommunications council and duties and responsibilities of the information services division; and to provide an appropriation.

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

**SECTION 1. AMENDMENT.** Section 15-65-01 of the North Dakota Century Code is amended and reenacted as follows:

**15-65-01. North Dakota educational telecommunications council - Creation - Purpose.** The North Dakota educational telecommunications council shall encourage and ~~direct~~ promote the ~~creation of educational telecommunication programs and use of technology for educational purposes and the development of technology systems to improve educational opportunity~~ within the state.

**SECTION 2. AMENDMENT.** Section 15-65-02 of the North Dakota Century Code is amended and reenacted as follows:

**15-65-02. Membership - Appointment - Term - No compensation - Expenses - Organization.** The North Dakota educational telecommunications council consists of:

1. The commissioner of higher education or the commissioner's designee.
2. The superintendent of public instruction or the superintendent's designee.
3. ~~One citizen member appointed by the governor giving preference to users of a telecommunications system.~~
4. The director of the information services division of the office of management and budget.
5. ~~A representative of prairie public broadcasting, appointed by the governor.~~
6. 4. A representative of the telephone industry, appointed by the governor.
7. ~~A representative of the North Dakota association of telephone cooperatives, appointed by the governor.~~
8. ~~A representative of the North Dakota cable television association, appointed by the governor.~~
9. 5. A school board member, appointed by the governor.
10. 6. A school administrator, appointed by the governor.
11. 7. A schoolteacher, appointed by the governor.

The term of office of the appointed members is three years, ~~except that of the original appointees, three shall serve one year, three shall serve two years, and two shall serve three years, which appointees to be determined by lot.~~ At all times either the school board member or the school administrator must be from a school with an enrollment of ~~less~~ fewer than five hundred students.

The ~~two citizen members, the school board member, the school administrator, and the schoolteacher~~ appointed by the governor must be reimbursed for actual

necessary expenses incurred in the performance of their duties as members of the council at the same rates as provided by law for other state officers and employees. The costs incurred in reimbursing the ~~two-citizen~~ members of the council for their actual necessary expenses must be paid by the superintendent of public instruction. The other members of the council are not entitled to any compensation or reimbursement for expenses incurred in performing their duties. ~~The superintendent of public instruction shall call the initial meeting of the council at which time the council shall elect its chairman and other officers and take such other action as it deems appropriate.~~

**SECTION 3. AMENDMENT.** Section 15-65-03 of the North Dakota Century Code is amended and reenacted as follows:

**15-65-03. Powers and duties.** The council shall:

1. ~~Direct the implementation of telecommunication systems that are compatible and that can be connected with each other. Promote the use of technology and the development of technology systems to enhance educational opportunities within the state.~~
2. ~~Develop a comprehensive written plan for the development of telecommunications in this state. Cooperate with state agencies and other organizations to develop statewide educational technology systems.~~
3. ~~Be concerned with the development and use of statewide educational telecommunication programs and systems.~~
4. ~~Hold coordinating authority for the development of such statewide educational telecommunication programs and systems as may be required to serve the entire state.~~
5. ~~Assist any organization, state agencies, or both in the preparation, filing, and prosecution before federal agencies such applications, reports, or other documents or requests of any kind that may be necessary or appropriate to achieve the purposes of this chapter.~~
6. ~~Receive gifts and contributions from public and private sources to be expended to provide educational telecommunication programs and systems.~~
7. ~~Be concerned with the activation of educational broadcasting channels presently assigned to North Dakota, or the reallocation or addition of the channels, or both, as are determined to be in the best interests of the people of the state.~~
8. ~~Actively cooperate with the state department of public instruction and the state board of higher education and other agencies and private organizations for the purpose of developing statewide educational telecommunication projects.~~
9. Adopt bylaws for the conduct of its affairs.
40. 4. Publish the informational material it deems necessary.
41. 5. ~~Carry on~~ Conduct a continuing study ~~relating to assess~~ the needs, resources, and facilities which are available or may be required to establish educational telecommunication programs and technology systems throughout the entire state.
42. 6. ~~Contract with eligible applicants to build and operate public television stations in this state. Eligible applicants are those licensed by the federal communications commission to operate noncommercial public television stations. Operational contracts may not exceed the amount raised within the preceding fiscal year by the applicant from nontax sources in this state. Receive gifts and grants from private and public sources to be expended for educational technology projects.~~

**SECTION 4. AMENDMENT.** Section 15-65-06 of the North Dakota Century Code is amended and reenacted as follows:

**15-65-06. Plan for statewide system of ~~interactive telecommunications~~ educational technology - Solicitation of grants.** In developing and implementing a plan for a statewide system of ~~interactive telecommunications~~ educational technology, the educational telecommunications council shall solicit grants to be used in conjunction with moneys appropriated by the legislative assembly for ~~telecommunications~~ educational technology. Any moneys appropriated by the legislative assembly for ~~telecommunications~~ educational technology, unless specifically provided otherwise, and any grants received in accordance with this section must be used to implement the ~~plan~~ systems developed by the educational telecommunications council pursuant to this chapter.

**SECTION 5. AMENDMENT.** Section 54-35-15 of the North Dakota Century Code is amended and reenacted as follows:

**54-35-15. ~~Science and~~ Information technology program - Staff - Powers and duties.**

1. The legislative council, or its designee, shall provide ~~scientific and technological~~ information technology research and staff services to the legislative branch. The services must be provided in accordance with the existing statutory authority of the legislative council and within the framework of its other staff services.
2. The legislative council staff office shall provide ~~the scientific and technological~~ information technology services, and the council, or its designee, may hire such additional staff as are necessary, and set compensation for any additional staff within the limits of legislative appropriations.
3. The council, or its designee, shall structure the provision of ~~scientific and technological~~ information technology services and assistance to the legislative assembly; and shall receive such cooperation and assistance from other state agencies as it may reasonably request.
4. The council, or its designee, shall study emerging technology and evaluate its impact on the state's system of information technology, and report and make recommendations to the legislative council and the legislative assembly regarding information technology in state government.
5. The council, or its designee, shall develop guidelines for reports to be provided by each executive branch agency, institution, or department, the institutions under the control of the board of higher education, and agencies of the judicial and legislative branches on information technology in those entities.
6. The council, or its designee, shall review the information technology management of executive branch agencies, institutions, or departments, institutions under the control of the board of higher education, and agencies of the judicial and legislative branches as determined necessary by the council or its designee.
7. The council, or its designee, shall perform information systems reviews and audits of information technology systems or applications of executive branch state agencies, institutions, and departments, institutions under the control of the state board of higher education, and agencies of the judicial and legislative branches, as determined necessary by the council, or its designee. The reviews and audits may include evaluating compliance with system or application requirements, data integrity, security, controls, audit trails, backup and recovery methods, and the effectiveness and appropriateness of the system in achieving its intended purpose, as applicable.
8. The council, or its designee, shall monitor the implementation of information technology systems development projects and application development projects for conformance with the agency's strategic plan and compliance with statewide policies and standards as determined necessary by the council, or its designee, and report any nonconformance or noncompliance discovered to the council or its designated committee.

9. As used in this section, "information technology" means computing and data communications systems and their supporting infrastructure used in the acquisition, processing, management, analysis, storage, and delivery of information.

**SECTION 6. AMENDMENT.** Section 54-44.2-00.1 of the North Dakota Century Code is amended and reenacted as follows:

**54-44.2-00.1. Definitions.** As used in this chapter:

1. ~~"Data processing" or "electronic data processing" means the systematic sequencing of operations performed by data processing equipment or programs, or both, upon data stored or entered in alphabetic, numeric, or alphanumeric format. "Information technology" means computing and data communications systems and their supporting infrastructure used in the acquisition, processing, management, analysis, storage, and delivery of information.~~
2. ~~"Data processing equipment" means an electronic device or associated devices, except calculators and stand alone noncommunicating word processors, which perform logical, arithmetic, and memory functions by the manipulation of electronic or magnetic impulses and includes all compiling and related input, output, and storage, equipment, programs and procedures, and data processing communications facilities. "Information technology services" means the equipment, software, and services necessary for the acquisition, processing, management, analysis, storage, and delivery of information.~~
3. ~~"Telecommunications" means the electronic exchange of voice, data, image, and video information. "Telephone services" means the equipment, software, and services necessary to transmit voice, data, or video through the public telephone network.~~
4. ~~"Transmission facilities" means terrestrial lines, and microwave, lightwave, and satellite facilities.~~
5. ~~"Word processing" means the textual formatting, correcting, editing, and rearranging of language elements, designed to convey full messages in English syntax, through manipulation of electronic or magnetic impulses. "Word processors" are devices on which word processing can be carried out.~~

**SECTION 7. AMENDMENT.** Section 54-44.2-01 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-44.2-01. Information services division - Creation.** The information services division is established in the office of management and budget. The director of the office of management and budget shall appoint a director of the information services division. ~~The director of the information services division shall supervise and regulate electronic data processing activities the information technology of all executive branch state agencies, institutions, departments, and boards, except the job service North Dakota and the office of the adjutant general excluding the institutions under the control of the board of higher education. The division shall establish an electronic data processing center which must, unless excepted by the director, be used by all executive branch state agencies, departments, and institutions except the institutions under the control of the board of higher education, the job service North Dakota, and the office of the adjutant general. The division shall provide data processing services to the legislative and judicial branches of government. If the division is unable to fulfill a request for service from the legislative or judicial branch of government, the service may be procured by the legislative or judicial branch within the limits of legislative appropriations.~~

The director of the information services division must be appointed upon the basis of education, experience, and other qualifications in data processing information technology and administration. ~~The position of director is not a classified position and the director, without reference to partisan politics, and must serve at the pleasure of the director of the office of management and budget.~~ The director of the information services division shall employ such other professional, technical, and clerical personnel as the director determines to be necessary to carry out the duties prescribed in this chapter and shall, within the limits of the legislative appropriation, shall fix the salaries

of all employees within the division. All personnel within the division must be allowed their actual and necessary travel expenses at the same rate as for other employees of the state.

**SECTION 8. AMENDMENT.** Section 54-44.2-02 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-44.2-02. Information services division - Powers and duties.** The information services division shall:

1. ~~Provide systems design, programming, and other data processing information technology services.~~
2. ~~Design, plan, justify, and implement all data processing systems within and between state agencies that utilize the services of the division. Provide telephone services.~~
3. Have the authority to purchase or lease ~~such additional~~ equipment or replace, including by trade or resale, present equipment as may be necessary to carry out this chapter. Each executive branch department, agency, or institution, except the institutions under the control of the board of higher education, ~~the job service North Dakota, and the office of adjutant general,~~ shall submit to the ~~director of the information services division for approval or disapproval and the legislative council, or its designee, in accordance with guidelines established by the division,~~ a written request for data processing services that require new data processing applications. ~~A request must also be submitted for modifications to existing data processing applications which are expected to increase the cost of operating such data processing applications by more than fifteen percent. The director may approve or disapprove the lease, purchase, or other contractual acquisition of additional or new electronic data processing information technology services or equipment by executive branch agencies, except the institutions under the control of the board of higher education, the job service North Dakota, and the office of adjutant general. The director may authorize a user agency to house and operate electronic data processing equipment. The information services division shall review requests for conformance with the requesting organization's strategic plan and compliance with statewide policies and standards. If the request is not in conformance or compliance, the information services division may disapprove the request or require justification for the departure from the strategic plan or statewide policy or standard. The division shall inform the legislative council, or its designee, of any requests disapproved or additional justification received relating to a request.~~
4. Provide ~~data processing information technology services, including assistance and advisory service to the legislative, executive, and judicial branches. If the division is unable to fulfill a request for service from the legislative or judicial branch, the service may be procured by the legislative or judicial branch within the limits of legislative appropriations.~~
5. ~~Establish and justify data processing activities and costs in order that effectiveness can be measured.~~
6. ~~Establish a data bank to eliminate the duplicate storage of common data and thereby develop more economical and efficient use of the data processing system. The data bank must consist of data, except where data is restricted from such use by law and such confidentiality cannot be reasonably maintained in the data bank, contained within the files of all agencies, departments, and institutions being provided services by the division. If the data bank contains data of use to other departments, agencies, and institutions, the data may be made available to such departments, agencies, and institutions after notice has been given to the agency, department, or institution from which the data was originally received.~~
7. ~~Analyze proposals for executive branch agency word processing equipment and facility acquisitions and make such comments and recommendations as it may believe necessary so that such equipment and facilities will be compatible with electronic data processing equipment and programs under the supervision of the division. The office of management~~

~~and budget may not approve vouchers for acquisition of word processing equipment and facilities by executive branch agencies unless the vouchers have attached to them the division's comments and recommendations.~~

- ~~8. Conduct conferences and meetings with various state agencies, departments, institutions, and political subdivisions to review proposals and provide information on improving telecommunications and transmission facilities in government and coordinate information technology services. The information services division shall report annually to the legislative council or its designated committee regarding the coordination of services with political subdivisions.~~
- ~~9. Implement improvements in the state telecommunications and transmission facilities as are feasible and within the limitations of appropriated funds.~~
- ~~10. Adopt any rules determined to be necessary to establish standard procedures and practices in the development and use of telecommunications and transmission facilities provided by the division.~~
- ~~11. Provide advice, general guidelines, and information to political subdivisions on the compatibility and interactive capacity of computers and other electronic information systems with the goal of developing a statewide compatible electronic communications network by 1996.~~
- ~~12. 6. Have authority to request information on or review information technology systems, applications, system development projects, and application development projects of executive branch departments, agencies, and institutions.~~
7. Perform all other duties necessary to carry out this chapter.

**SECTION 9.** Four new sections to chapter 54-44.2 of the North Dakota Century Code are created and enacted as follows:

**Information technology standards.** The information services division, based on information from state agencies, institutions, and departments, and in consultation with the legislative council, shall develop statewide information technology policies, standards, and guidelines. Unless an exception is granted by the information services division, each executive branch state agency, institution, or department, excluding the institutions under the control of the board of higher education, shall comply with the policies and standards developed by the information services division.

**Information technology planning.** Each executive branch state agency, institution, or department, including the institutions under the control of the board of higher education, shall prepare an information technology strategic plan, subject to approval by the information services division. The plan must be submitted to the information services division and the legislative council by January fifteenth of each even-numbered year. The plan must be prepared based on guidelines developed by the information services division in consultation with the legislative council; must provide the information technology goals, objectives, and activities of the organization for the next five years; and must include a detailed list of information technology assets owned, leased, or employed by the agency, institution, or department. Each agency, institution, or department shall provide interim updates to its plan if major information technology changes occur which affect its plan. The information services division shall review each agency's, institution's, or department's strategic plan for compliance with statewide information technology policies and standards and may require an agency, institution, or department to change its strategic plan to comply with statewide policies or standards or to resolve conflicting directions among plans. Agencies of the judicial and legislative branches shall file their information technology strategic plans with the information services division and the legislative council by January fifteenth of each even-numbered year. Each agency, institution, or department shall prepare its budget request for the next biennium based on its information technology strategic plan. Based on the plans prepared by agencies, institutions, and departments, the information services division shall prepare a statewide information technology strategic plan and distribute copies of that plan to members of the legislative assembly as requested by the legislative council or its designee.

**Information technology coordination - Report to legislative council.** The director of the information services division and the commissioner of the board of higher education shall meet at least twice each year to plan and coordinate their information

technology systems and services. The director and commissioner shall consider areas in which joint or coordinated information technology systems and services may result in more efficient and effective state government operations. The director and commissioner shall report their findings and recommendations to the legislative council or its designated committee before November of each year.

**Information technology management reviews - Report to legislative audit and fiscal review committee.** The information services division shall review the information technology management of executive branch state agencies, institutions, or departments, including the institutions under the control of the board of higher education, as determined by the director of the information services division. The review must include an evaluation of the organization's planning effectiveness, conformance to its strategic plan, compliance with statewide policies and standards, asset quality, and training methods, and for an organization that contracts for information technology services, an analysis of the organization's contract management system and the contractor's compliance with contract provisions. If an agency, institution, or department is found not to be in compliance with statewide policies and standards and does not agree to come into compliance, the information services division may report the issue to the legislative audit and fiscal review committee. The information services division shall report recurring issues of noncompliance to the legislative audit and fiscal review committee.

**SECTION 10. AMENDMENT.** Section 54-44.2-04 of the North Dakota Century Code is amended and reenacted as follows:

**54-44.2-04. Appointment of ~~data processing~~ information technology coordinators.** ~~Each agency, department, or institution of this state utilizing the services and equipment provided by the information services division shall appoint an electronic data processing information technology coordinator. The coordinator shall maintain liaison with the division and assist the division in such activities as the establishment of priorities, rescheduling, reports, and other areas related to making the most economical use of the data processing services and equipment information technology.~~

**SECTION 11. AMENDMENT.** Section 54-44.2-06 of the North Dakota Century Code is amended and reenacted as follows:

**54-44.2-06. ~~Secrecy provision~~ Confidentiality.** ~~The personnel of the information services division may receive from the various departments, and the employees of the various departments may provide to the division; any information from the files and records of the various departments necessary to effect the purposes of this chapter without regard to the confidential or secret nature of the information; provided, however, the personnel of the division are is subject to the same restrictions and penalties regarding the dissemination of this information as are the personnel of the department involved.~~

**SECTION 12. AMENDMENT.** Section 54-44.2-07 of the North Dakota Century Code is amended and reenacted as follows:

**54-44.2-07. Acceptance of federal and other funds.** ~~Funds received by a state agency or institution from the government of the United States for the purpose of matching state funds for the purpose of improving normal or emergency telecommunication systems may be deposited in the information services operating fund, unless the funds have been specifically appropriated by the legislative assembly for some other purpose or unless transfer would be contrary to the federal regulations governing the grant. The information services division may accept federal or other funds, which must be deposited in the information services operating fund and which may be spent subject to legislative appropriations. The director of the information services division may apply for any public or private grants available for the improvement of telecommunication systems information technology.~~

**SECTION 13. AMENDMENT.** Section 54-44.2-08 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-44.2-08. Access to electronically stored information - Coordination by information services division.** An entity of the state may establish procedures for providing access to any computer data base or electronically filed or stored information maintained by that entity. The procedures must address the measures that are necessary to maintain the confidentiality of information protected by federal or state law. The entity may charge a reasonable fee for providing that access. ~~If the original information is keyed, entered, provided, compiled, or submitted by any political~~

~~subdivision, the fees must be shared by the state and the political subdivision based on their proportional costs to make the data available.~~ The information services division shall cooperate with each state entity providing access to any computer data base or electronically filed or stored information to assist in providing economical, efficient, and compatible access.

**SECTION 14. REPEAL.** Sections 15-65-04, 54-44.2-02.1, 54-44.2-02.2, 54-44.2-02.3, and 54-44.2-02.4 of the North Dakota Century Code and section 54-44.2-02.5 of the 1995 Supplement to the North Dakota Century Code are repealed.

**SECTION 15. APPROPRIATION.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$774,508, or so much of the sum as may be necessary, to the legislative council for the purpose of defraying the expenses of its information technology program for the biennium beginning July 1, 1997, and ending June 30, 1999."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1036, as engrossed: Appropriations Committee (Sen. Naaden, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1036 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on page 743 of the Senate Journal, Engrossed House Bill No. 1036 is amended as follows:

Page 1, line 11, overstrike "Before" and insert immediately thereafter "If" and overstrike "may be" and insert immediately thereafter "is"

Page 1, line 12, overstrike "that" and insert immediately thereafter "as to whether"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1051: Appropriations Committee (Sen. Naaden, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1051 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1055: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1055 was placed on the Sixth order on the calendar.

Page 1, line 2, after "conferences" insert "; and to declare an emergency"

Page 1, after line 16, insert:

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

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1116, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1116 was placed on the Sixth order on the calendar.

In lieu of the amendments to Engrossed House Bill No. 1116 as printed on pages 804 and 805 of the Senate Journal, Engrossed House Bill No. 1116 is amended as follows:

Page 1, line 1, replace "five" with "six"

Page 3, line 11, after "rehabilitation" insert "allowance"

Page 3, line 13, remove "accrue and"

Page 3, line 14, after the underscored period insert "If the director of the department of corrections and rehabilitation and the bureau determine that an inmate who suffers a

compensable injury under this chapter is in need of vocational rehabilitation services while the inmate is incarcerated, the penitentiary and the bureau may provide vocational rehabilitation services to the inmate."

Page 4, line 13, after the underscored period insert "This modified workers' compensation coverage is not effective unless coverage or reinsurance is in place."

Page 4, after line 24, insert:

**"SECTION 8.** A new section to chapter 65-06.2 of the North Dakota Century Code is created and enacted as follows:

**Safety and performance audit.** The bureau shall perform a safety audit of the roughrider industries work programs covered under this chapter and a performance audit of the program of modified workers' compensation coverage. The bureau shall submit a report with recommendations based on the safety and performance audit to an interim committee designated by the legislative council no later than thirty days before the commencement of each regular session of the legislative assembly."

Page 4, line 25, replace "1999" with "2003"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1427, as reengrossed: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1427 was placed on the Fourteenth order on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2042, as reengrossed:** Your conference committee (Sens. Lee, Fischer, Yockim and Reps. Kliniske, Galvin, Sandvig) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 779-780 and place SB 2042 on the Seventh order.

Reengrossed SB 2042 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2112, as engrossed:** Your conference committee (Sens. Traynor, W. Stenehjem, C. Nelson and Reps. Nottestad, Sabby, S. Kelsh) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 657, adopt amendments as follows, and place SB 2112 on the Seventh order:

That the House recede from its amendments as printed on page 657 of the Senate Journal and page 777 of the House Journal and that Engrossed Senate Bill No. 2112 be amended as follows:

Page 1, line 16, replace "a" with "the nearest available"

Page 1, line 17, remove "serving the county in which the arrest is made"

Renumber accordingly

Engrossed SB 2112 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2159, as engrossed:** Your conference committee (Sens. B. Stenehjem, Cook, O'Connell and Reps. Monson, Weisz, Mahoney) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 780 and place SB 2159 on the Seventh order.

Engrossed SB 2159 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2213, as engrossed:** Your conference committee (Sens. W. Stenehjem, Thane, C. Nelson and Reps. Klein, Christopherson, Fairfield) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 657, adopt amendments as follows, and place SB 2213 on the Seventh order:

That the House recede from its amendments as printed on page 657 of the Senate Journal and on pages 777 and 778 of the House Journal and that Engrossed Senate Bill No. 2213 be amended as follows:

Page 1, line 9, remove "personal"

Renumber accordingly

Engrossed SB 2213 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2351, as engrossed:** Your conference committee (Sens. Freborg, Fischer, Thompson and Reps. Callahan, Drovdal, Brown) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 736, adopt amendments as follows, and place SB 2351 on the Seventh order:

That the House recede from its amendments as printed on page 736 of the Senate Journal and pages 852 and 853 of the House Journal, and that Engrossed Senate Bill No. 2351 be amended as follows:

Page 1, line 14, overstrike "productivity" and insert immediately thereafter "useability"

Renumber accordingly

Engrossed SB 2351 was placed on the Seventh order of business on the calendar.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

This is to inform you that on March 25, 1997, I signed the following: SB 2001, SB 2040, SB 2114, SB 2138, SB 2150, SB 2217, SB 2225, SB 2248, SB 2250, SB 2262, SB 2264, SB 2295, SB 2327, SB 2352, SB 2357, SB 2394, and SB 2302.

Also, on March 26, 1997, I signed the following: SB 2261.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2045, SB 2122, SB 2139, SB 2237, SB 2285, SB 2385, SCR 4005, SCR 4041, SCR 4057, SCR 4058.

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

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1137, HB 1161, HB 1162, HB 1440.

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

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1183, HB 1213, HB 1227, HB 1248, HB 1261, HB 1263, HB 1264, HB 1266, HB 1268, HB 1269, HB 1270, HB 1311, HB 1314, HB 1350, HB 1360, HB 1410, HCR 3031, HCR 3040, HCR 3042, HCR 3043, HCR 3047.

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

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1030, HB 1058, HB 1083, HB 1135, HB 1170, HB 1185, HB 1330.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2045, SB 2122, SB 2139, SB 2237, SB 2285, SB 2385, SCR 4005, SCR 4041, SCR 4057, SCR 4058.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2057.

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

**MR. SPEAKER:** The President has signed: HB 1084, HB 1089, HB 1146.

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

**MR. SPEAKER:** The President has signed: HB 1137, HB 1161, HB 1162, HB 1440.

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

**William C. Parker, Secretary**