

## JOURNAL OF THE SENATE

## Fifty-fifth Legislative Assembly

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**Bismarck, March 27, 1997**

The Senate convened at 8:00 a.m., with President Pro Tem Holmberg presiding.

The prayer was offered by Chaplain Jeff Franko, North Dakota Army National Guard, Bismarck.

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

A quorum was declared by the President Pro Tem.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1115, HB 1216.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1191.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1206, HB 1388, HB 1413.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1168.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1153, HB 1435, HB 1467.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1002, HB 1010, HB 1011, HB 1016, HB 1046, HB 1100, HB 1257, HB 1297, HB 1312, HB 1448.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1396.

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

**MADAM PRESIDENT:** The House has passed unchanged: SB 2029.

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

**MADAM PRESIDENT:** The House has amended and subsequently failed to pass: SB 2294, SCR 4012.

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

**MADAM PRESIDENT:** The House has amended, subsequently passed, and the emergency clause failed: SB 2255.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2255**

In lieu of the proposed amendments to Senate Bill No. 2255 as printed on pages 921 and 922 of the House Journal, Senate Bill No. 2255 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act relating to dogs running at large; and to declare an emergency.

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

**SECTION 1. Dogs running at large - Liability for damage or injury.** The owner of a dog may not permit the dog to run at large. The owner of a dog is liable for any damage to the property of another person and for any injury to any individual caused by the owner's dog running at large, as well as for any costs incurred by a local political subdivision or law enforcement agency in capturing and impounding the owner's dog. If the owner of a dog is a minor, the duties and responsibilities created by this section are imputed to the parent or legal guardian of the minor.

**SECTION 2. Dogs running at large - Capture.** Unless a board of county commissioners by resolution identifies another person or entity responsible for the capture and impoundment of dogs running at large, as authorized by section 11-11-14, the county sheriff shall capture any dog running at large which the sheriff believes to be dangerous and impound the dog at an animal shelter or facility designated by the board of county commissioners. If seventy-two hours after impoundment the dog remains unclaimed, the animal shelter or facility having control of the dog shall perform euthanasia or cause euthanasia to be performed on the dog.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

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

**MADAM PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2366.

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2366**

Page 1, line 3, after "fund" insert "; and to declare an emergency"

Page 1, line 12, replace "fifty-four" with "fifty-six" and after "million" insert "three hundred thousand"

Page 2, after line 4, insert:

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

Renumber accordingly

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

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2003, SB 2046, SB 2362.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003**

Page 1, line 2, after the semicolon insert "to provide a contingent appropriation; to authorize the industrial commission to issue and sell bonds for capital projects; to provide an appropriation;"; replace "section" with "sections", and after "54-02-11" insert "and 54-17.2-23"

Page 1, line 3, after "gallery" insert "and limitation on state building authority lease payments"

Page 1, line 15, replace "23,563,400" with "22,813,400"

Page 1, line 16, replace "379,607,398" with "378,857,398"

Page 2, line 8, replace "193,908,639" with "193,158,639"

Page 2, line 11, replace "717,665" with "711,278"

Page 2, line 27, replace "Virtual university" with "Tribal community college IVN grants"

Page 2, line 28, replace "11,906,116" with "11,899,729"

Page 2, line 30, replace "8,301,230" with "8,294,843"

Page 3, line 3, replace "4,127,109" with "4,081,904"

Page 3, line 6, replace "5,828,058" with "5,782,853"

Page 3, line 8, replace "5,478,058" with "5,432,853"

Page 3, line 10, replace "8,263,058" with "8,217,853"

Page 3, line 11, replace "8,613,058" with "8,567,853"

Page 3, line 15, replace "1,197,043" with "1,183,386"

Page 3, line 18, replace "1,408,374" with "1,394,717"

Page 3, line 20, replace "1,408,374" with "1,394,717"

Page 3, line 22, replace "3,373,074" with "3,359,417"

Page 3, line 23, replace "3,373,074" with "3,359,417"

Page 3, line 27, replace "1,477,524" with "1,462,540"

Page 3, line 29, replace "71,929" with "3,071,929"

Page 3, line 30, replace "1,760,268" with "4,745,284"

Page 4, line 1, replace "0" with "3,000,000"

Page 4, line 2, replace "1,760,268" with "1,745,284"

Page 4, line 4, replace "1,942,568" with "1,927,584"

Page 4, line 5, replace "1,942,568" with "4,927,584"

Page 4, line 9, replace "29,207,492" with "28,875,130"

Page 4, line 11, replace "4,407,305" with "4,857,305"

Page 4, line 12, replace "35,132,166" with "35,249,804"

Page 4, line 13, replace "2,500,000" with "2,950,000"

Page 4, line 14, replace "32,632,166" with "32,299,804"

Page 4, line 16, replace "89,352,166" with "89,019,804"

Page 4, line 17, replace "91,852,166" with "91,969,804"

Page 4, line 21, replace "20,589,385" with "20,342,645"

Page 4, line 23, replace "6,277,072" with "2,777,072"

Page 4, line 24, replace "28,771,957" with "25,025,217"

Page 4, line 25, replace "4,850,000" with "1,350,000"

Page 4, line 26, replace "23,921,957" with "23,675,217"

Page 4, line 28, replace "42,591,957" with "42,345,217"

Page 4, line 29, replace "47,441,957" with "43,695,217"

Page 5, line 2, replace "5,849,613" with "5,768,890"

Page 5, line 5, replace "7,786,222" with "7,705,499"

Page 5, line 7, replace "7,676,222" with "7,595,499"

Page 5, line 9, replace "11,668,522" with "11,587,799"

Page 5, line 10, replace "11,778,522" with "11,697,799"

Page 5, line 14, replace "3,866,764" with "3,826,432"

Page 5, line 17, replace "4,510,367" with "4,470,035"

Page 5, line 19, replace "4,360,367" with "4,320,035"

Page 5, line 21, replace "5,790,367" with "5,750,035"

Page 5, line 22, replace "5,940,367" with "5,900,035"

Page 5, line 26, replace "2,004,481" with "1,981,057"

Page 5, line 29, replace "2,356,906" with "2,333,482"

Page 5, line 31, replace "2,356,906" with "2,333,482"

Page 6, line 2, replace "3,041,906" with "3,018,482"

Page 6, line 3, replace "3,041,906" with "3,018,482"

Page 6, line 7, replace "6,037,692" with "5,938,012"

Page 6, line 9, replace "842,098" with "2,342,098"

Page 6, line 10, replace "7,659,458" with "9,059,778"

Page 6, line 11, replace "0" with "1,500,000"

Page 6, line 12, replace "7,659,458" with "7,559,778"

Page 6, line 14, replace "12,195,190" with "12,095,510"

Page 6, line 15, replace "12,195,190" with "13,595,510"

Page 6, line 19, replace "2,646,453" with "2,609,734"

Page 6, line 23, replace "3,922,790" with "3,886,071"

Page 6, line 25, replace "3,922,790" with "3,886,071"

Page 6, line 27, replace "5,472,790" with "5,436,071"

Page 6, line 28, replace "5,472,790" with "5,436,071"

Page 7, line 1, replace "1,002,968" with "987,980"

Page 7, line 4, replace "1,224,598" with "1,209,610"

Page 7, line 6, replace "1,224,598" with "1,209,610"

Page 7, line 8, replace "1,435,698" with "1,420,710"

Page 7, line 9, replace "1,435,698" with "1,420,710"

Page 7, line 13, replace "416,323" with "409,299"

Page 7, line 17, replace "692,881" with "685,857"

Page 7, line 19, replace "545,395" with "538,371"

Page 7, line 21, replace "595,395" with "588,371"

Page 7, line 22, replace "742,881" with "735,857"

Page 7, line 26, replace "16,218,818" with "16,049,721"

Page 7, line 28, replace "20,923,863" with "20,754,766"

Page 7, line 30, replace "7,915,263" with "7,746,166"

Page 8, line 1, replace "303,071,691" with "301,940,369"

Page 8, line 2, replace "210,419,731" with "232,219,731"

Page 8, line 4, replace "606,267,554" with "626,936,232"

Page 8, line 22, replace "68,009" with "158,009"

Page 8, line 23, replace "1,666,391" with "1,679,891"

Page 8, line 24, replace "1,504,559" with "1,399,559"

Page 8, line 26, replace "164,931" with "169,431"

Page 8, line 28, replace "523,572" with "448,572"

Page 9, line 2, replace "6,428,093" with "6,356,093"

Page 9, after line 10, insert:

**"SECTION 5. CONTINGENT APPROPRIATION - NORTH DAKOTA STATE UNIVERSITY AND NORTH DAKOTA STATE COLLEGE OF SCIENCE.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$750,000, and from special funds derived from other income not in the existing budgets, the sum of \$250,000, or so much of the sums as may be necessary, to North Dakota state university and North Dakota state college of science for the purpose of operating the Fargo skills center, for the biennium beginning July 1, 1997, and ending June 30, 1999. The general fund appropriation provided for in this section may only be spent upon certification to the state treasurer that North Dakota state university and North Dakota state college of science have received commitments to provide the \$200,000 of special funds derived from other income not in the existing budgets for the project.

**SECTION 6. PROJECT AUTHORIZATIONS.** The industrial commission, acting as the North Dakota building authority, shall arrange for the funding of the projects authorized in this section, hereby declared to be in the public interest, through the issuance of evidences of indebtedness under chapter 54-17.2, during the biennium beginning July 1, 1997, and ending June 30, 1999. The proceeds of the evidences of indebtedness and other available funds are hereby appropriated during the biennium beginning July 1, 1997, and ending June 30, 1999, for the following projects:

University of North Dakota	Renovation and addition to the Ed James Wing of the Medical School building	\$3,000,000
North Dakota state university	Animal research facility	5,000,000
North Dakota state college of science	Bute gym remodeling	1,700,000
Minot state university	Moore hall renovation	4,000,000
Department of corrections and rehabilitation	Youth correctional center - Gymnasium renovation	1,400,000

The industrial commission shall issue evidences of indebtedness under this section with the condition that lease rental payments need not begin until July 1, 1999. This authority of the industrial commission to issue evidences of indebtedness ends June 30, 1999, but the industrial commission may continue to exercise all other powers granted to it under chapter 54-17.2 and this Act and to comply with any covenants entered into before that date.

The university of North Dakota may obtain and utilize any available funds received from federal, public, or private sources which are hereby appropriated to the university of North Dakota to assist in the renovation and addition to the Ed James wing of the medical school building at the university of North Dakota, for the biennium beginning July 1, 1997, and ending June 30, 1999.

North Dakota state university may obtain and utilize federal funds to assist in the construction of an animal research facility at North Dakota state university. There is hereby appropriated to North Dakota state university the sum of \$5,000,000, or so much of the sum as may be necessary, from any federal or other funds that may become available for this project, for the biennium beginning July 1, 1997, and ending June 30, 1999.

**SECTION 7. LOCAL RESPONSIBILITY.** Of the total construction authorized by this Act, a total of \$1,300,000 must be available from non-general fund sources to assist in the construction costs or retirement of the evidences of indebtedness, issued for the project costs associated with construction of the projects authorized by this Act:

North Dakota state university project	\$1,000,000
North Dakota state college of science project	300,000

Unless the moneys are available at an earlier date, payment or payments must be made in six equal annual installments, beginning after fiscal year 1999. Prepayment may be made on any or all of these amounts. Payments of local matching amounts must be deposited in a special industrial commission account from which the industrial commission, acting as the North Dakota building authority, shall use the funds in making principal and interest payments."

Page 9, line 22, replace "funds" with "fund dollars" and replace "this" with "chapter 3 of the 1995 Session Laws"

Page 9, line 23, remove "Act"

Page 10, line 6, replace "\$3,500,000" with "\$450,000"

Page 10, line 7, replace "constructing a health and wellness center at North Dakota state university" with "financing a revenue-producing parking lot, curb, gutter, sidewalks, and ring road in connection with the rural technology center at the university of North Dakota"

Page 10, line 11, replace "9" with "12"

Page 10, line 13, replace "health and wellness center at North Dakota state" with "parking lot, curb, gutter, sidewalks, and ring road in connection with the rural technology center at the university of North Dakota"

Page 10, line 14, remove "university and providing equipment for the facility"

Page 10, line 17, after "funds" insert "contained in section 3 of chapter 3 of the 1995 Session Laws for Bute gymnasium at the North Dakota state college of science"

Page 10, remove lines 18 and 19

Page 10, line 20, remove "of the 1995 Session Laws for the north central research center,"

Page 10, line 28, replace "13" with "16"

Page 12, after line 31, insert:

**"SECTION 19. ACCEPTANCE OF GIFTS.** Notwithstanding any other provisions of law, the dean of the university of North Dakota medical school may accept and receive gifts, grants, bequests, and donations that are hereby appropriated for use by the university of North Dakota medical school."

Page 13, line 8, replace the first "state art gallery" with "North Dakota museum of art" and replace the second "state art gallery" with "North Dakota museum of art"

Page 13, after line 8, insert:

**"SECTION 21. AMENDMENT.** Section 54-17.2-23 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-17.2-23. State building authority lease payments - Limitation.** The general fund amount of lease payments for a biennium associated with capital construction projects financed by the industrial commission acting as the state building authority may not exceed the amount equal to a portion of sales, use, and motor vehicle excise tax collections equal to ~~eleven~~ ten percent of an amount, determined by multiplying the quotient of one percent divided by the general sales tax rate that was in effect when the taxes were collected, times the net sales, use, and motor vehicle excise tax collections under chapters 57-39.2, 57-40.2, and 57-40.3."

Page 13, line 9, replace "improvement" with "improvements" and replace "item" with "items"

Page 13, line 10, replace "subdivision" with "subdivisions", after "7" insert "and 11", and replace "includes" with "include"

Page 13, line 11, replace ", which is" with "and \$1,500,000 for a student center addition at Minot state university are", remove "an", and replace "measure" with "measures"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 215 - NORTH DAKOTA UNIVERSITY SYSTEM



Total \$303,071,691 \$(1,131,322) \$ 0 \$301,940,369

1 Authorizes the State Board of Higher Education to issue \$450,000 of revenue bonds for the construction of a parking lot at the University of North Dakota. The amendment also appropriates up to \$450,000 of proceeds from the sale of the bonds to the University of North Dakota.

2 Adds a section providing a contingent appropriation of \$750,000 from the general fund and \$250,000 of other funds for the Fargo Skills Center.

3 Provides \$3,000,000 of other funds to University of North Dakota - Williston for the renovation and addition to the gymnasium.

4 Provides \$1,500,000 of other funds to Minot State University for an addition to the student center. The funds are in addition to the \$2,000,000 of revenue bonds authorized in Section 3 of Chapter 20 of the 1993 Session Laws, for an addition to the student center.

The amendment also:

- Adds a section allowing the dean of the University of North Dakota Medical Center to accept gifts, grants, bequests, and donations for use by the University of North Dakota Medical Center.

- Adds language allowing the College of Science to carry over funds appropriated by the 1995 Legislative Assembly for the Bute gymnasium project.

- Changes the \$100,000 general fund appropriation for the Western Governors Association virtual university project to a \$100,000 grant to tribal community colleges for IVN costs.

DEPARTMENT 405 - INDUSTRIAL COMMISSION

HOUSE - This amendment incorporates the following provisions of House Bill No. 1029 into Senate Bill No. 2003:

	BONDING	OTHER FUNDS	TOTAL
University of North Dakota	\$3,000,000		\$3,000,000
Renovation and addition to the Ed James wing of the medical school building			
North Dakota State University	5,000,000	\$5,000,000	10,000,000
Animal research facility			
North Dakota State College of Science	1,700,000		1,700,000
Bute gym remodeling			
Minot State University	4,000,000		4,000,000
Moore Hall renovation			
Department of Corrections and Rehabilitation	1,400,000		1,400,000
Youth Correctional Center - Gymnasium renovation			
Total	\$15,100,000	\$5,000,000	\$20,100,000

The amendment provides for the following local responsibility amounts on the projects listed above:

North Dakota state university project	\$1,000,000
North Dakota state college of science project	<u>300,000</u>
Total	\$1,300,000

The amendment also adds a section changing the current guidelines which limit the State Building Authority general fund lease payments to an amount equal to 11 percent of a one percent sales, use, and motor vehicle excise tax to an amount equal to 10 percent of a one percent sales, use, and motor vehicle excise tax.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2046**

Page 7, line 2, overstrike "sections" and insert immediately thereafter "section"

Page 7, line 3, overstrike "and 50-27-03"

Page 11, line 2, overstrike "of subsections 1,", overstrike "6,", remove "7", overstrike "8", remove ", and 10", and overstrike "of section"

Page 11, line 3, overstrike "57-51.1-01" and insert immediately thereafter "the commission's responsibilities under chapter 57-51.1"

Re-number accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2362**

Page 1, line 1, remove "to establish a drinking water treatment revolving loan fund;"

Page 1, line 2, replace the first "a" with "two" and replace "subsection to section 61-28.1-02 and a new section" with "sections"

Page 1, line 3, replace "the powers and duties of the state water commission" with "a drinking water treatment revolving loan fund"

Page 1, line 4, replace the first comma with "and" and remove ", and"

Page 1, line 5, remove "subsections 1, 2, and 4 of section 61-28.2-01"

Page 1, line 6, replace "water commission" with "state department of health"

Page 1, remove lines 8 through 21

Page 3, line 7, remove the overstrike over "~~Designate the state department of health as the state safe drinking water agency~~"

Page 3, remove the overstrike over lines 8 and 9

Page 3, remove the overstrike over line 10 and insert immediately thereafter:

"16."

Page 3, line 16, replace "16" with "17"

Page 3, line 23, replace "of not more than two" with "as follows:"

- a. One thousand dollars per day per violation in the case of a system serving a population of more than ten thousand.
- b. An amount adequate to ensure compliance in the case of any system not under subdivision a"

Page 3, line 24, remove "thousand dollars per day of violation"

Page 3, line 28, replace "of not more than one thousand dollars per day of" with "as follows:"

- a. One thousand dollars per day per violation in the case of a system serving a population of more than ten thousand.

- b. An amount adequate to ensure compliance in the case of any system not under subdivision a"

Page 3, line 29, remove "violation"

Page 3, line 30, after the period insert "A new section to chapter 61-28.1 of the North Dakota Century Code is created and enacted as follows:"

Page 4, line 1, replace "state water" with "department"

Page 4, line 2, remove "commission"

Page 4, line 11, replace "**State water commission**" with "A new section to chapter 61-28.1 of the North Dakota Century Code is created and enacted as follows:"

**Department**"

Page 4, line 12, replace "state water commission" with "department"

Page 5, line 4, replace "state water commission" with "department"

Page 5, line 7, remove "commission and the state" and remove "of health"

Page 5, line 10, remove "commission and the state"

Page 5, line 11, remove "of health"

Page 5, line 15, after "funds" insert "with the approval of the state water commission and"

Page 5, line 17, after "priorities" insert "and to expend grant funds pursuant to the priority list"

Page 5, line 18, replace "consultation" with "consulting" and replace "other appropriate state agencies" with "and obtaining the approval of the state water commission"

Page 5, remove lines 25 through 31

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 30

Renumber accordingly

**ANNOUNCEMENT**

**SEN. GOETZ ANNOUNCED** that the following bills and carriers would be added to the Twelfth order on the calendar for the Fifty-sixth legislative day: SB 2147, carried by Sen. Thane; SB 2083, carried by Sen. Urlacher; SB 2113, carried by Sen. DeMers; and SB 2115, carried by Sen. Yockim.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. B. STENEHJEM MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2160 as printed on SJ pages 880-882 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 2160: Sens. Schobinger, Cook, O'Connell.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. THANE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2147 as printed on SJ page 797, which motion prevailed on a voice vote.

Engrossed SB 2147, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2147:** A BILL for an Act to create and enact a new section to chapter 50-11 of the North Dakota Century Code, relating to fingerprinting of individuals housed or employed by foster care providers; and to amend and reenact section 50-11-02 of the North Dakota Century Code, relating to terms and conditions for licensing foster care facilities.

**ROLL CALL**

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

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; 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

**NAYS:** Berg; Stenehjem, B.

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

Engrossed SB 2147, 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 Reengrossed SB 2343 as printed on SJ page 715, which motion prevailed on a voice vote.

Reengrossed SB 2343, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2343:** A BILL for an Act to create and enact a new section to chapter 65-01 of the North Dakota Century Code, relating to the presumption that certain conditions are related to a firefighter's or a law enforcement officer's work for purposes of workers' compensation coverage; to amend and reenact subsection 18 of section 65-01-02 of the North Dakota Century Code, relating to the presumption that certain conditions are related to a firefighter's or a law enforcement officer's work for purposes of workers' compensation coverage; 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 41 YEAS, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**NAYS:** Christmann; Schobinger; Solberg; Wanzek

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

Reengrossed SB 2343, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. WANZEK MOVED** that the Senate do concur in the House amendments to SB 2083 as printed on SJ pages 796-797, which motion prevailed on a voice vote.

SB 2083, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2083:** A BILL for an Act to provide for the continuation of an agricultural pesticide and pesticide container disposal program; 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, 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; 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:** Lips; Nething; Redlin

SB 2083, 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 2113 as printed on SJ pages 862-863, which motion prevailed on a voice vote.

Engrossed SB 2113, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2113:** A BILL for an Act to create and enact five new sections to chapter 43-32 of the North Dakota Century Code, relating to powers of the board of psychologist examiners, investigations, licensure renewal, and disciplinary hearings; to amend and reenact sections 43-32-01, 43-32-02, 43-32-03, 43-32-05, 43-32-08.1, 43-32-13, 43-32-14, 43-32-16, 43-32-19, 43-32-20, 43-32-21, 43-32-27, 43-32-29, and 43-32-30 of the North Dakota Century Code, relating to the board of psychologist examiners, licensure and regulation of psychologists, continuing education, and client records; and to repeal sections 43-32-18 and 43-32-28 of the North Dakota Century Code, relating to licensing of psychologists without examination and disciplinary hearings.

#### 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; 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:** Lips; Nething; Redlin

Engrossed SB 2113, 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 2115 as printed on SJ page 863, which motion prevailed on a voice vote.

Engrossed SB 2115, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2115:** A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to insurance coverage for prostate-specific antigen tests.

#### 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, 1 NAY, 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; 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

**NAYS:** Stenehjem, B.

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

Engrossed SB 2115, 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 2238 as printed on SJ page 811, which motion prevailed on a voice vote.

Engrossed SB 2238, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2238:** A BILL for an Act relating to performing rights societies.

#### 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; 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:** Lips; Nething; Redlin

Engrossed SB 2238, 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 Engrossed SB 2239 as printed on SJ page 732, which motion prevailed on a voice vote.

Engrossed SB 2239, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2239:** A BILL for an Act to provide for creation of a Devils Lake outlet management advisory committee.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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; 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:** Lips; Nething; Redlin

Engrossed SB 2239, 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 2272 as printed on SJ page 714, which motion prevailed on a voice vote.

Engrossed SB 2272, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2272:** A BILL for an Act to amend and reenact sections 35-17-08, 35-30-06, 35-31-06, and subsection 1 of section 41-09-43 of the North Dakota Century Code, relating to

termination of statutory liens filed under the central notice system; 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; LaFountain; Lee; Lindaas; 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:** Lips; Nething; Redlin

Engrossed SB 2272, 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 2279 as printed on SJ page 658, which motion prevailed on a voice vote.

SB 2279, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2279:** A BILL for an Act to create and enact a new section to chapter 35-20 of the North Dakota Century Code, relating to liens for unpaid earned property or casualty insurance premiums; and to amend and reenact section 35-20-16 and subsection 3 of section 41-09-46 of the North Dakota Century Code, relating to entering liens for unpaid earned property or casualty insurance premiums in the central notice system.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; 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:** Lips; Nething; Redlin

SB 2279, 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 2281 as printed on SJ pages 808-809, which motion prevailed on a voice vote.

SB 2281, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2281:** A BILL for an Act to amend and reenact subsection 1 of section 14-17-18 of the North Dakota Century Code, relating to appointment of counsel in paternity 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 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; 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:** Lips; Nething; Redlin

SB 2281, 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 2331 as printed on SJ page 714, which motion prevailed on a voice vote.

Engrossed SB 2331, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2331:** A BILL for an Act to create and enact chapter 57-35.3, a new subdivision to subsection 1 of section 57-38-01.2, a new subdivision to subsection 3 of section 57-38-30.3, and a new subdivision to subsection 4 of section 57-38-30.3 of the North Dakota Century Code, relating to taxation of financial institutions and allocation of tax revenue and to adjustments to taxable income for individuals; to amend and reenact section 10-30.2-11, subdivision i of subsection 1 of section 57-38-01.2, and subdivision g of subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to taxation; to repeal chapters 57-35, 57-35.1, and 57-35.2 of the North Dakota Century Code, relating to the taxation of banks, trust companies and building and loan associations; to provide penalties; to provide continuing appropriations; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; 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:** Fischer; Lips; Nething; Redlin

Engrossed SB 2331, 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 SB 2323 as printed on SJ page 798, which motion prevailed on a voice vote.

SB 2323, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2323:** A BILL for an Act to amend and reenact section 35-13-02 and subsection 3 of section 41-09-46 of the North Dakota Century Code, relating to entering liens for repairman's liens in the central notice system.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; 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:** Lips; Nething; Redlin

SB 2323, 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 2333 as printed on SJ page 811, which motion prevailed on a voice vote.

Engrossed SB 2333, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

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

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; 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:** Goetz; Nething; Redlin

Engrossed SB 2333, 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 2339 as printed on SJ page 780, which motion prevailed on a voice vote.

SB 2339, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2339:** A BILL for an Act to amend and reenact section 57-06-17.1 of the North Dakota Century Code, relating to the property tax exemption for carbon dioxide pipelines.

#### 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 2339, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. WANZEK MOVED** that the Senate do concur in the House amendments to SB 2361 as printed on SJ page 732, which motion prevailed on a voice vote.

SB 2361, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2361:** A BILL for an Act to amend and reenact subsection 1 of section 23-09.1-01 of the North Dakota Century Code, relating to the definition of bed and breakfast facility; 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 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 2361, 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 Engrossed SB 2368 as printed on SJ page 811, which motion prevailed on a voice vote.

Engrossed SB 2368, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

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

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; 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:** Goetz; Nething; Redlin

Engrossed SB 2368, 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 SB 2372 as printed on SJ page 780, which motion prevailed on a voice vote.

SB 2372, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2372:** A BILL for an Act to amend and reenact section 24-07-03 of the North Dakota Century Code, relating to section lines as public roads.

**MOTION**

**SEN. GOETZ MOVED** that SB 2372, as amended, be moved to the bottom of the calendar, which motion prevailed.

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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 2384 as printed on SJ page 813, which motion prevailed on a voice vote.

Engrossed SB 2384, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

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

**ROLL CALL**

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

Engrossed SB 2384, 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 SCR 4007 as printed on SJ page 732, which motion prevailed on a voice vote.

SCR 4007, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4007:** A concurrent resolution urging the North Dakota Game and Fish Department to make a request of the Secretary of the Interior and the United States Fish and Wildlife Service to open the waterfowl hunting season by September 15 of each year.

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

SCR 4007, as amended, was declared adopted on a voice vote, 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 SCR 4016 as printed on SJ pages 715-716, which motion prevailed on a voice vote.

Engrossed SCR 4016, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4016:** A concurrent resolution urging each member of the North Dakota Congressional Delegation to seek and promote federal legislation that provides for in-home adjustment services for the visually impaired older citizens of the state of North Dakota.

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

Engrossed SCR 4016, as amended, was declared adopted on a voice vote, and the title was agreed to.

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**MOTION**

**SEN. GOETZ MOVED** that Engrossed SB 2047, as amended, be moved to the top of the calendar, which motion prevailed.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NAADEN MOVED** that the Senate do concur in the House amendments to Engrossed SB 2047 as printed on SJ pages 879-880, which motion prevailed on a voice vote.

Engrossed SB 2047, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**SB 2047:** A BILL for an Act to amend and reenact sections 54-10-13, 54-10-14, 54-10-15, and 54-40.1-05 of the North Dakota Century Code, relating to audits of regional planning councils and political subdivisions and the submission of regional planning council audit reports to the legislative audit and fiscal review committee.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 1 NAY, 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Tallackson

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

Engrossed SB 2047, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1014, as engrossed: SEN. ST. AUBYN (Appropriations Committee) MOVED** that the amendments on SJ page 919 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1014:** A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

**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:** 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:** Andrist; Nething; Redlin

Engrossed HB 1014, as amended, passed and the title was agreed to.

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**MOTION**

**SEN. GOETZ MOVED** that Reengrossed HB 1034, which is on the Sixth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, Reengrossed HB 1034 was rereferred.

**CONSIDERATION OF AMENDMENTS**

**HB 1036, as engrossed: SEN. LEE (Appropriations Committee) MOVED** that the amendments on SJ page 927 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1036:** A BILL for an Act to amend and reenact section 50-06-06.13 of the North Dakota Century Code, relating to an out-of-home treatment program for children with serious emotional disorders.

**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 1036, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1055: SEN. COOK (Education Committee) MOVED** that the amendments on SJ page 927 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1055:** A BILL for an Act to amend and reenact section 15-47-33 of the North Dakota Century Code, relating to compensatory time for parent-teacher conferences; and to declare an emergency.

**ROLL CALL**

The question being on the adoption of the resolution, 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 1055, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF AMENDMENTS**

**HB 1116, as engrossed: SEN. LINDAAS (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 927-928 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1116:** A BILL for an Act to create and enact six new sections to chapter 65-06.2 of the North Dakota Century Code, relating to workers' compensation coverage for inmates engaged in work programs through roughrider industries; to amend and reenact sections 65-05-07.2 and 65-06.2-01 of the North Dakota Century Code, relating to the requirement that employers pay a portion of the medical benefits of workers' compensation claims and to the definition of an inmate; 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 42 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; DeMers; Fischer; Goetz; Heitkamp; Holmberg; Kelsh; Kinnoin; 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; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Cook; Freborg; Grindberg; Klein; Solberg

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

Engrossed HB 1116, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1262:** A BILL for an Act to amend and reenact subsection 4 of section 65-05.1-01, subsection 3 of section 65-05.1-02.1, subsections 4 and 6 of section 65-05.1-04, and section 65-05.1-06.1 of the North Dakota Century Code, relating to workers' compensation vocational rehabilitation.

### 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 30 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

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

Engrossed HB 1262 passed and the title was agreed to.

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### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3025:** A concurrent resolution urging Congress to take steps to devolve the unemployment compensation program back to the states.

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

HCR 3025 was declared adopted on a voice vote, and the title was agreed to.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2160 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2160:** Sens. Schobinger; Cook; O'Connell

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

**MADAM PRESIDENT:** The House has reconsidered its action whereby it passed and also the action by which it did concur with the Senate amendments to HB 1359 and subsequently does not concur with the Senate amendments to HB 1359, and the Speaker has appointed as a conference committee to meet with a like committee from the Senate on:

**HB 1359:** Reps. DeKrey; Koppelman; Delmore

### MOTION

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

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

**MOTION**

**SEN. GOETZ MOVED** that the Senate resolve itself into a Confirmation Session, which motion prevailed.

**REPORT OF SELECT COMMITTEE**

**MADAM PRESIDENT:** Your **Select Committee (Sen. Grindberg, Chairman)** appointed to consider the nominations for the State Board of Higher Education, do advise and consent to the appointment of Beverly Clayburgh.

**SEN. GRINDBERG MOVED** that the report be adopted.

**ROLL CALL**

The question being "will the Senate advise and consent to the nomination of Beverly Clayburgh for the State Board of Higher Education" 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

The Senate advises and consents to the nomination of Beverly Clayburgh for the State Board of Higher Education.

**REPORT OF SELECT COMMITTEE**

**MADAM PRESIDENT:** Your **Select Committee (Sen. Grindberg, Chairman)** appointed to consider the nominations for the State Board of Higher Education, do advise and consent to the appointment of Craig Caspers.

**SEN. GRINDBERG MOVED** that the report be adopted.

**ROLL CALL**

The question being "will the Senate advise and consent to the nomination of Craig Caspers for the State Board of Higher Education" 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

The Senate advises and consents to the nomination of Craig Caspers for the State Board of Higher Education.

**MOTION**

**SEN. GOETZ MOVED** that the Confirmation Session be dissolved, which motion prevailed.

**CONSIDERATION OF VETOED MEASURE**

**SB 2048:** A BILL for an Act to amend and reenact section 54-40-01 of the North Dakota Century Code, relating to the exercise of joint authority by North Dakota and South Dakota.

**ROLL CALL**

The question being on the final passage of the enrolled bill, over the Governor's veto, which has been read, the roll was called and there were 26 YEAS, 21 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Fischer; Goetz; Grindberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Mathern; Mutzenberger; Nelson, C.; Nelson, G.; O'Connell; Robinson; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Watne; Wogsland; Yockim

**NAYS:** Bowman; Christmann; Cook; DeMers; Freborg; Heitkamp; Holmberg; Klein; LaFountain; Lips; Mutch; Naaden; Nalewaja; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Traynor; Urlacher; Wanzek

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

The Senate has sustained the Governor's veto of SB 2048, as enrolled.

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#### CONSIDERATION OF VETOED MEASURE

**SB 2201:** A BILL for an Act to amend and reenact sections 44-06-03 and 44-06-03.1 of the North Dakota Century Code, relating to bonds of notaries public.

#### ROLL CALL

The question being on the final passage of the enrolled bill, over the Governor's veto, which has been read, the roll was called and there were 34 YEAS, 13 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Berg; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutzenberger; Nelson, C.; Nelson, G.; O'Connell; Robinson; St. Aubyn; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Andrist; Bowman; Christmann; Holmberg; Mutch; Naaden; Nalewaja; Sand; Schobinger; Solberg; Stenehjem, B.; Stenehjem, W.; Thompson

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

The Senate overrode the Governor's veto of SB 2201, as enrolled.

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#### MOTION

**SEN. GOETZ MOVED** that the Senate be on the Ninth order of business for the first reading of SCR 4059, SCR 4060, and SCR 4061, which motion prevailed.

#### FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Sand and Reps. Monson, Olson introduced:

(Approved by the Delayed Bills Committee)

**SCR 4059:** A concurrent resolution congratulating the Disher Rink curling team on winning the 1997 United States men's curling national championship.

Was read the first time.

#### MOTION

**SEN. GOETZ MOVED** that the rules be suspended, that SCR 4059 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and be placed on the calendar for immediate second reading and final passage, which motion prevailed.

Sen. Sand and Reps. Monson, Olson introduced:

(Approved by the Delayed Bills Committee)

#### SENATE CONCURRENT RESOLUTION NO. 4059

A concurrent resolution congratulating the Disher Rink curling team on winning the 1997 United States men's curling national championship.

**WHEREAS**, the Disher Rink curling team is composed of Craig Disher, Hansboro; Kevin Kakela, Rolla; Joel Jacobson, Langdon; and Paul Peterson, Langdon; and

**WHEREAS**, after placing second in 1994 and third in 1995 this team, representing North Dakota and the Langdon Curling Club, came on strong at the end to win the 41st United States men's national championship; and

**WHEREAS**, the Disher Rink team from Langdon will enjoy the title of Team USA for the next year; and

**WHEREAS**, Team USA will now advance to the world curling championships to be held in Berne, Switzerland, April 12-20, 1997; and

**WHEREAS**, in addition to the world championships in Berne, this team has earned a berth into the United States Olympic trials to be held December 10-14, 1997, in Duluth, Minnesota, to compete with the top six teams in the United States for the sole right to represent the United States in the 1998 Winter Olympics in Nagano, Japan, where curling will be a full medal sport for the first time;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Fifty-fifth Legislative Assembly extends to all members of the Disher Rink team its heartiest congratulations for winning the 1997 United States men's curling national championship; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to each member of the Disher Rink team.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4059:** A concurrent resolution congratulating the Disher Rink curling team on winning the 1997 United States men's curling national championship.

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

SCR 4059 was declared adopted on a voice vote.

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**FIRST READING OF SENATE CONCURRENT RESOLUTION**

Sens. G. Nelson, Mathern and Reps. Dorso, Boucher introduced:  
(Approved by the Delayed Bills Committee)

**SCR 4060:** A concurrent resolution expressing the thanks and appreciation of the Fifty-fifth Legislative Assembly to the North Dakota Medical Association doctor of the day program.

Was read the first time.

**MOTION**

**SEN. GOETZ MOVED** that the rules be suspended, that SCR 4060 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and be placed on the calendar for immediate second reading and final passage, which motion prevailed.

Sens. G. Nelson, Mathern and Reps. Dorso, Boucher introduced:  
(Approved by the Delayed Bills Committee)

**SENATE CONCURRENT RESOLUTION NO. 4060**

A concurrent resolution expressing the thanks and appreciation of the Fifty-fifth Legislative Assembly to the North Dakota Medical Association doctor of the day program.

**WHEREAS**, many practicing physicians from throughout the state, as well as resident physicians from the University of North Dakota School of Medicine family medicine residency programs in Minot, Grand Forks, Fargo, and Bismarck, have volunteered their services as the doctor of the day during the fifty-fifth legislative session; and

**WHEREAS**, many legislators, legislative employees, family members, lobbyists, and visitors to the Capitol have received treatment, counseling, and medications at no charge; and

**WHEREAS**, the North Dakota Medical Association, the Bismarck Family Practice Center, local pharmacies and pharmaceutical manufacturers, Mid Dakota Clinic, and Medcenter One Health Systems have all provided services, equipment, or supplies to the doctor of the day medical services room;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That thanks and appreciation be expressed to the physicians and health care groups who have volunteered their professional services, expertise, supplies, and equipment in the operation of the 1997 North Dakota Medical Association doctor of the day program.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4060:** A concurrent resolution expressing the thanks and appreciation of the Fifty-fifth Legislative Assembly to the North Dakota Medical Association doctor of the day program.

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

SCR 4060 was declared adopted on a voice vote.

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**FIRST READING OF SENATE CONCURRENT RESOLUTION**

Sens. W. Stenehjem, Holmberg, DeMers, Mutch, St. Aubyn and Reps. Kliniske, Poolman, Jensen, Svedjan, Christenson, Glassheim, Brusegaard, Lloyd, Delmore, Nottestad introduced:  
(Approved by the Delayed Bills Committee)

**SCR 4061:** A concurrent resolution congratulating the University of North Dakota Fighting Sioux women's basketball team for winning the 1997 NCAA Division II national championship.

Was read the first time.

**MOTION**

**SEN. GOETZ MOVED** that the rules be suspended, that SCR 4061 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and be placed on the calendar for immediate second reading and final passage, which motion prevailed.

Sens. W. Stenehjem, Holmberg, DeMers, Mutch, St. Aubyn and Reps. Kliniske, Poolman, Jensen, Svedjan, Christenson, Glassheim, Brusegaard, Lloyd, Delmore, Nottestad introduced:  
(Approved by the Delayed Bills Committee)

**SENATE CONCURRENT RESOLUTION NO. 4061**

A concurrent resolution congratulating the University of North Dakota Fighting Sioux women's basketball team for winning the 1997 NCAA Division II national championship.

**WHEREAS**, the University of North Dakota Fighting Sioux women's basketball team captured its first-ever NCAA Division II championship and capped its postseason play with a 94-78 championship victory at Hyslop Sports Center in Grand Forks; and

**WHEREAS**, the Fighting Sioux women's basketball team tied its season record of 28 victories and for the eighth consecutive season won more than 20 games under the leadership of Coach Gene Roebuck; and

**WHEREAS**, Jaime Pudenz, named most outstanding player of the Division II Elite Eight tournament, Kelli Britz, and Jenny Crouse, named to the all-tournament team, and the other talented individual athletes distinguished themselves under the guidance of Coach Roebuck and assistant coaches Darcy Deutsch, Chris Gardner, and Doug Reiten by displaying explosive offense, tenacious defense, and exemplary teamwork in realizing their goal of a national championship, a performance of which North Dakotans are extremely proud;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Fifty-fifth Legislative Assembly takes pride in extending to all members and coaches of the University of North Dakota Fighting Sioux women's basketball team its heartiest congratulations for winning the 1997 NCAA Division II women's national basketball championship; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward enrolled copies of this resolution to each member of the University of North Dakota Fighting Sioux women's basketball team, to each of their coaches, and to the president of the University of North Dakota, home of the Fighting Sioux.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4061:** A concurrent resolution congratulating the University of North Dakota Fighting Sioux women's basketball team for winning the 1997 NCAA Division II national championship.

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

SCR 4061 was declared adopted on a voice vote.

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**SECOND READING OF HOUSE BILL**

**HB 1031:** A BILL for an Act to amend and reenact subsection 2 of section 28-32-03 of the North Dakota Century Code, relating to the effective date of 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 0 YEAS, 47 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**NAYS:** 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 1031 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1051:** A BILL for an Act to provide for the reimbursement of certain school districts having alternative high schools; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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 1051 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1427:** A BILL for an Act relating to the allocation of research grants to agricultural commodity groups; to amend and reenact section 57-43.1-03.1 of the North Dakota Century Code, relating to tax refunds for fuel used for agricultural purposes; to provide an appropriation; to provide for application; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Kinnoin; O'Connell

**NAYS:** 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.; 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 1427 lost.

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**ANNOUNCEMENT**

**SEN. GOETZ ANNOUNCED** that the following bills and carriers would be added to the Twelfth order on the calendar for the Fifty-sixth legislative day: SB 2290, carried by Sen. Andrist; and SB 2359, carried by Sen. Mutzenberger.

**MOTION**

**SEN. GOETZ MOVED** that the Senate stand in recess until 4:30 p.m., which motion prevailed.

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

**MOTION**

**SEN. GOETZ MOVED** that the Senate reconsider its action whereby SB 2047 passed, which motion prevailed.

**MOTION**

**SEN. GOETZ MOVED** the rules be suspended and that SB 2047 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, SB 2047 was rereferred.

**APPOINTMENT OF CONFERENCE COMMITTEE**

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

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1007: Sens. Solberg, Lips, Tallackson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. NAADEN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1010, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1010: Sens. Naaden, Lips, Robinson.

**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 1359, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1359: Sens. Traynor, W. Stenehjem, C. Nelson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. FREBORG MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1456, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1456: Sens. Wanzek, Cook, Wogslund.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. W. STENEHJEM MOVED** that the Senate do not concur in the House amendments to SB 2202 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 SB 2202: Sens. W. Stenehjem, Watne, C. Nelson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. W. STENEHJEM MOVED** that the Senate do concur in the House amendments to SB 2290 as printed on SJ page 883, which motion prevailed on a voice vote.

SB 2290, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2290:** A BILL for an Act to amend and reenact sections 16.1-11-21, 16.1-11-22, and 16.1-11-30 of the North Dakota Century Code, relating to the form of the primary election ballot; and to provide a statement of legislative intent.

**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, 3 NAYS, 0 EXCUSED, 2 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; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Robinson; Sand; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** DeMers; O'Connell; Schobinger

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

SB 2290, 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 2359 as printed on SJ page 884, which motion prevailed on a voice vote.

Engrossed SB 2359, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2359:** A BILL for an Act to amend and reenact section 14-03-09 of the North Dakota Century Code, relating to the persons who may solemnize a marriage; 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 41 YEAS, 5 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Cook; Klein; Schobinger; Solberg; Wanzek

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

Engrossed SB 2359, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT  
CALENDAR**

**HCR 3012:** A concurrent resolution commending Robert W. Peterson on 30 years of service to the State of North Dakota.

**HCR 3015:** A concurrent resolution urging Congress to provide funds to replace the Four Bears Bridge.

**HCR 3049:** A concurrent resolution directing the Legislative Council to study additional improvements to the legislative process that ensure an accessible, productive citizen legislature.

The question being on the final adoption of the resolutions, which have been read.

HCR 3012, HCR 3015, and HCR 3049 were declared adopted on a voice vote, and the titles were agreed to.

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

**MR. SPEAKER:** The Senate has overridden the Governor's veto on SB 2201. The vote was 34 YEAS, 13 NAYS, 2 ABSENT AND NOT VOTING, and your favorable consideration is requested.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2202 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2202:** Sens. W. Stenehjem; Watne; C. Nelson

**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 1007:** Sens. Solberg; Lips; Tallackson

**HB 1010:** Sens. Naaden; Lips; Robinson

**HB 1359:** Sens. Traynor; W. Stenehjem; C. Nelson

**HB 1456:** Sens. Wanzek; Cook; Wogsland

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

**MADAM PRESIDENT:** The Speaker has appointed Rep. Gunter to replace Rep. Kretschmar on the Conference Committee on SB 2153.

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1010 and HB 1337 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1010:** Reps. Soukup; Byerly; Huether

**HB 1337:** Reps. Thoreson; Clark; Brandenburg

**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 2145:** Reps. Rennerfeldt; Renner; Kroeplin

**SB 2173:** Reps. R. Kelsch; Brusegaard; Christenson

**SB 2301:** Reps. Maragos; Grande; Rose

**SB 2324:** Reps. Nicholas; Nelson; Kerzman

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SCR 4059, SCR 4060, SCR 4061.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1051.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1262, HCR 3025.

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

**MR. SPEAKER:** The Senate has passed unchanged: HCR 3012, HCR 3015, HCR 3049.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1031, HB 1427.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1014, HB 1036, HB 1116.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1055.

**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 2361, SB 2368, SB 2384, SCR 4007, SCR 4016.

**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 2083, SB 2113, SB 2115, SB 2147, SB 2238, SB 2239, SB 2272, SB 2279, SB 2281, SB 2323, SB 2331, SB 2333, SB 2339, SB 2343.

**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 2290, SB 2359.

**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 9:00 a.m., Friday, March 28, 1997, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1003, 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 1003 was placed on the Sixth order on the calendar.

Page 1, line 2, after "reenact" insert "subsection 1 of section 53-06.1-14 and"

Page 1, line 3, after "to" insert "license fees for pull tab and bingo card manufacturers and to"

Page 1, line 11, replace "12,618,076" with "12,887,894"

Page 1, line 12, replace "4,601,576" with "4,680,514"

Page 1, line 13, replace "1,014,600" with "1,044,900"

Page 1, line 22, replace "26,181,700" with "26,560,756"

Page 1, line 23, replace "13,495,641" with "13,586,432"

Page 1, line 24, replace "12,686,059" with "12,974,324"

Page 2, after line 20, insert:

**"SECTION 6. AMENDMENT.** Subsection 1 of section 53-06.1-14 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. A manufacturer of pull tabs, manufacturer of bingo cards, manufacturer of pull tab dispensing devices, manufacturer's distributor of pull tab dispensing devices, and distributor shall apply annually for a license upon a form prescribed by the attorney general before the first day of April in each year and shall submit the appropriate license fee. Each applicant shall provide such necessary and reasonable information as the attorney general may require. The license fee for a distributor is one thousand five hundred dollars. The license fee for a manufacturer's distributor is five hundred dollars. The license fee for a manufacturer of pull tab dispensing devices, manufacturer of pull tabs, bingo cards, or both a manufacturer of pull tabs and bingo cards, is ~~two~~ five thousand dollars."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 125 - ATTORNEY GENERAL

SENATE - This amendment makes the following changes:

	HOUSE VERSION	RESTORES AFIS OPERATING COSTS	FEDERAL FUND POSITIONS	RESTORES SEX OFFENDER REGISTRATION PROGRAM	RESTORES DATA PROCESSING FUNDING	FUNDING SHIFTS	OTHER CHANGES	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$12,618,076		\$180,648 <sup>2</sup>	\$27,848	\$233,000	\$(39,786) <sup>5</sup>	\$101,1086	\$269,818	\$12,867,894
Operating expenses	4,601,576	\$132,000	(180,648) <sup>2</sup>	10,237		12,786 <sup>5</sup>	(128,437) <sup>7</sup>	78,938	4,680,514
Equipment	1,014,600			3,300		27,000 <sup>5</sup>		30,300	1,044,900
Grants	5,790,003								5,790,003
Arrest and return of fugitives	18,795								18,795
Controlled substance	4,000								4,000
Litigation fees	139,024								139,024
Gaming Commission	19,400								19,400
Racing Commission	219,744								219,744
National criminal history improve- ment project	1,135,781								1,135,781
Law enforcement programs	620,701								620,701
Total	\$26,181,700	\$132,000 <sup>1</sup>	\$ 0	\$41,385 <sup>3</sup>	\$233,000 <sup>4</sup>	\$ 0	\$ (27,329)	\$379,056	\$26,560,756
General fund	\$12,686,059	\$132,000		\$41,385	\$233,000		\$(118,120)	\$288,265	\$12,974,324
Special funds	13,495,641						90,791	90,791	13,586,432
Total	\$26,181,700	\$132,000	\$ 0	\$41,385	\$233,000	\$ 0	\$ (27,329)	\$379,056	\$26,560,756
FTE	145.00	0.00	8.00 <sup>2</sup>	0.50	0.00	0.00	0.00	8.50	153.50

<sup>1</sup> Adds funding included in the executive budget for the operating costs associated with the automated fingerprint identification system (AFIS). The House removed the funding.

<sup>2</sup> Adds positions in the Bureau of Criminal Investigation associated with the following federal programs (16 positions were included in the executive budget but removed by the House):

National instant check system	4 FTE - Funding that the House moved to operating expenses is returned to salaries and wages
National criminal history improvement project	2 FTE
Law enforcement programs	2 FTE

<sup>3</sup> Adds funding included in the executive budget for the sex offender registration program. The House removed this funding and a .5 FTE.

<sup>4</sup> Adds funding included in the executive budget for rewriting outdated data processing programs. The House removed this funding.

<sup>5</sup> Reallocates the \$183,000 from the general fund added to salaries and wages in the House for two criminal investigators as follows:

Salaries and wages	\$143,214
Operating expenses	12,786
Equipment	27,000
Total	\$183,000

<sup>6</sup> Adds funding of \$77,798 of federal funds and \$23,310 of other funds for a narcotics prosecutor position. The Attorney General has an available FTE position that may be used for this purpose.

- 7 Removes funding for risk management premiums, of which \$58,465 is from the general fund and \$10,317 is from other funds.
  - 8 Reduces operating expenses by \$59,655 from the general fund for anticipated savings resulting from program efficiencies during the 1997-99 biennium.
- A section is added increasing the annual license fee for manufacturers of pull tabs, pull tab dispensing devices, and bingo cards by \$3,000, from \$2,000 to \$5,000. The increase is estimated to generate \$48,000 of additional general fund revenues for the 1997-99 biennium.
- A comparison of funding for the Attorney General in the various budget versions is listed below.

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE VERSION	HOUSE INCREASE (DECREASE) TO EXECUTIVE BUDGET	SENATE INCREASE (DECREASE) TO EXECUTIVE BUDGET	SENATE INCREASE (DECREASE) TO HOUSE VERSION
General fund	\$12,926,324	\$12,686,059	\$12,974,324	\$(240,265)	\$ 48,000*	\$288,265
Special funds	<u>13,478,761</u>	<u>13,495,641</u>	<u>13,586,432</u>	<u>16,880</u>	<u>107,671</u>	<u>90,791</u>
Total	\$26,405,085	\$26,181,700	\$26,560,756	\$(223,385)	\$155,671	\$379,056
FTE	162.50	145.00	153.50	(17.50)	(9.00)	8.50

\* Senate changes to the executive budget affecting the general fund appropriation include concurring with the House addition of \$183,000 for two criminal investigators, concurring with the House reduction of (\$16,880) relating to the general fund support for the consumer protection investigator, removing operating expense funding of (\$59,655) (see footnote No. 8), and removing risk management premium funding of (\$58,465) (see footnote No. 7). The amount shown does not reflect the additional \$48,000 of general fund revenue which is estimated to be generated during the 1997-99 biennium from increasing license fees as provided in Section 6 of this Act. If this revenue increase is considered the general fund difference to the executive budget would be \$0.

**REPORT OF STANDING COMMITTEE**

**HB 1008, 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 1008 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "4,240,958" with "4,315,991"

Page 1, line 12, replace "1,066,898" with "1,068,765"

Page 1, line 16, replace "9,041,059" with "9,117,959"

Page 1, line 17, replace "5,786,843" with "5,781,190"

Page 1, line 18, replace "3,254,216" with "3,336,769"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 408 - PUBLIC SERVICE COMMISSION

SENATE - This amendment makes the following changes:

	HOUSE VERSION	RESTORE LICENSING INSPECTOR	REMOVE RISK MANAGEMENT PREMIUMS	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$4,240,958	\$75,033		\$75,033	\$4,315,991
Operating expenses	1,066,898	18,000	\$(16,133)	1,867	1,068,765
Equipment	58,711				58,711
Grants	6,000				6,000
AML contractual services	<u>3,668,492</u>				<u>3,668,492</u>
Total	\$9,041,059	\$93,033 <sup>1</sup>	\$(16,133)	\$76,900	\$9,117,959
General fund	\$3,254,216	\$93,033	\$(10,480)	\$82,553	\$3,336,769
Special funds	<u>5,786,843</u>		<u>(5,653)</u>	<u>(5,653)</u>	<u>5,781,190</u>
Total	\$9,041,059	\$93,033	\$(16,133)	\$76,900	\$9,117,959
FTE	42.00	1.00	0.00	1.00	43.00

<sup>1</sup> Restores one FTE licensing inspector which was included in the executive budget. The House removed the position.

**REPORT OF STANDING COMMITTEE**

**HB 1019, as engrossed: Appropriations Committee (Sen. Naaden, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1019 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "38,625,000" with "54,535,700"

Page 1, line 15, replace "38,625,000" with "54,535,700"

Page 2, line 3, remove the overstrike over "The" and remove "Revenues deposited in the"

Page 2, line 4, remove "are provided as a standing and continuing appropriation and"

Page 2, line 5, remove the overstrike over ", ~~subject to legislative appropriation,~~"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 085 - PAYMENTS TO POLITICAL SUBDIVISIONS

SENATE - The amendment removes the continuing appropriation language and increases the grants line item by \$15,910,700 of other funds for the state aid funding previously appropriated through the continuing appropriation.

**REPORT OF STANDING COMMITTEE**

**HB 1021, 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 1021 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "11,236,409" with "11,292,661"

Page 1, line 11, replace "7,302,181" with "7,262,014"

Page 1, line 13, replace "498,122" with "898,122"

Page 1, line 16, replace "1,200,000" with "1,700,000"

Page 1, line 17, replace "650,000" with "1,050,000"

Page 1, after line 20, insert:

"Waterbank program 500,000"

Page 1, line 22, replace "25,859,916" with "27,676,001"

Page 1, line 23, replace "\$650,000" with "\$1,050,000"

Page 2, after line 19, insert:

**"SECTION 6. WATERBANK PROGRAM.** The amount of \$500,000, or such lesser amount as may be available, for the line item entitled waterbank program in section 1 of this Act, is from the game and fish department operating fund and shall be used to increase upper basin storage and enhance wildlife habitat in the Devils Lake basin. Contracts and agreements relating to the waterbank program may be entered into by the director of the game and fish department, in cooperation with the commissioner of agriculture."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 720 - GAME AND FISH DEPARTMENT

SENATE - This amendment removes \$40,167 relating to risk management premiums and adds \$500,000 from the Game and Fish Department operating fund for the waterbank program. This amendment also adds a new section authorizing the Game and Fish Department to enter into

contracts and agreements relating to the waterbank program, in cooperation with the Commissioner of Agriculture.

This amendment increases the land habitat and deer depredation line item by \$500,000 from the Game and Fish Department operating fund to provide materials and other assistance to landowners to construct deerproof fences around hay yards.

This amendment adds \$400,000 to the wildlife habitat line item to reflect the increased fee collections anticipated as a result of 1997 House Bill No. 1395.

This amendment also adds the following items which were removed by the House:

\$56,252 and the authority for a full-time equivalent (FTE) audiovisual production specialist I.

The authority for an FTE administrative secretary III for the Lonetree wildlife area.

\$400,000 for construction of a southeastern regional office.

	1997-99 EXECUTIVE RECOMMENDATION	TOTAL HOUSE CHANGES	HOUSE VERSION	RESTORE TWO FTE POSITIONS	RESTORE CAPITAL CONSTRUCTION PROJECT	REMOVE RISK MANAGEMENT PREMIUMS	OTHER CHANGES	TOTAL SENATE CHANGES	SENATE VERSION
Salaries and wages	\$11,292,661	\$(56,252)	\$11,236,409	\$56,252				\$56,252	\$11,292,661
Operating expenses	7,302,181		7,302,181			\$(40,167)		(40,167)	7,262,014
Equipment	638,150		638,150						638,150
Capital improvements	898,122	(400,000)	498,122		\$400,000			400,000	898,122
Grants	2,548,400		2,548,400						2,548,400
Noxious weed control	200,000		200,000				\$500,000	500,000	200,000
Land habitat and deer depredation	1,200,000		1,200,000						1,700,000
Wildlife habitat	650,000		650,000				400,000	400,000	1,050,000
Small and big game restoration trust	400,000		400,000						400,000
Grants, gifts, and donations	100,000		100,000						100,000
Nongame wildlife Waterbank program	120,000		120,000						120,000
Lonetree Reservoir	966,654		966,654				500,000	500,000	500,000
Total Special funds	\$26,316,168	\$(456,252)	\$25,859,916	\$56,252	\$400,000	\$(40,167)	\$1,400,000	\$1,816,085	\$27,676,001
FTE	128.00	(2.00)	126.00	2.00				2.00	128.00

**REPORT OF STANDING COMMITTEE**

**HB 1047, as reengrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Reengrossed HB 1047 was placed on the Sixth order on the calendar.

Page 6, line 23, replace "state's attorney" with "executive director"

Page 7, line 9, after the period insert "An individual may not be committed unless evidence is admitted establishing that at least two experts have concluded the individual has a congenital or acquired condition that is manifested by a sexual disorder, a personality disorder, or other mental disorder or dysfunction that makes that individual likely to engage in further acts of sexually predatory conduct."

Page 7, line 14, replace "at" with "in", remove "treatment", and after "or" insert "program at which treatment is available. The appropriate treatment facility or program must be the least restrictive available treatment facility or program necessary to achieve the purposes of this chapter. The executive director may not be required to create a less restrictive treatment facility or treatment program specifically for the respondent or committed individual. Unless the respondent has been committed to the legal and physical custody of the department of corrections and rehabilitation, the respondent may not be placed at and the treatment program for the respondent may not be provided at the state penitentiary or an affiliated penal facility."

Page 7, remove line 15

Page 7, line 16, remove "the facility or in the program in which the respondent is placed."

Page 7, line 19, replace "care," with "legal and physical" and remove ", and control of the director"

Page 10, line 13, after the first "for" insert "all or part of the"

Page 10, line 14, after the period insert "In establishing the amount of reimbursement ordered under this section, the court shall consider the ability of the respondent or committed individual to pay."

Renumber accordingly

**REPORT OF CONFERENCE COMMITTEE**

**SB 2037, as engrossed:** Your conference committee (Sens. B. Stenehjem, Mutch, Wogsland and Reps. Belter, Weisz, Sandvig) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 731-732, adopt amendments as follows, and place SB 2037 on the Seventh order:

That the House recede from its amendments as printed on pages 731 and 732 of the Senate Journal and page 832 of the House Journal and that Engrossed Senate Bill No. 2037 be amended as follows:

Page 1, line 1, after "32-03" insert "and a new section to chapter 49-10.1"

Page 1, line 3, after "operator" insert "and to the determination of train speeds"

Page 4, after line 10, insert:

**"SECTION 6.** A new section to chapter 49-10.1 of the North Dakota Century Code is created and enacted as follows:

**Determination of train speeds.** If the governing body of a city proposes to establish a speed limit on trains passing through its corporate limits and an agreement cannot be reached with the railway company operating the railroad, the governing body of the city may file with the commission a petition that sets forth the facts and requests the commission's assistance in resolving the matter."

Renumber accordingly

Engrossed SB 2037 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2068, as engrossed:** Your conference committee (Sens. W. Stenehjem, Watne, Mutzenberger and Reps. Kretschmar, Stenehjem, Callahan) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 780, adopt amendments as follows, and place SB 2068 on the Seventh order:

That the House recede from its amendments as printed on page 780 of the Senate Journal and pages 883 and 884 of the House Journal and that Engrossed Senate Bill No. 2068 be amended as follows:

Page 2, line 20, replace "and" with ", except for an" and after "fee" insert an underscored comma

Page 2, line 27, replace "A" with "For purposes of enforcement and execution, a"

Renumber accordingly

Engrossed SB 2068 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SCR 4010, as reengrossed:** Your conference committee (Sens. Grindberg, Cook, O'Connell and Reps. DeKrey, Kretschmar, Delmore) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 577-579 and place SCR 4010 on the Seventh order.

Reengrossed SCR 4010 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 26, 1997, I signed the following: SB 2266.

**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 1063, HB 1138, HB 1141, HB 1142, HB 1147, HB 1158, HB 1159.

**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 2023, SB 2052, SB 2054, SB 2056, SB 2070, SB 2071, SB 2072, SB 2089, SB 2091, SB 2099, SB 2106, SB 2117, SB 2118, SB 2128, SB 2157, SB 2175, SB 2198, SB 2200, SB 2260, SB 2369, SB 2379.

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

**MR. SPEAKER:** The President has signed: HB 1030, HB 1058, HB 1083, HB 1135, HB 1170, HB 1183, HB 1185, 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 1330, HB 1350, HB 1360, HB 1410, HCR 3031, HCR 3040, HCR 3042, HCR 3043, HCR 3047.

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

**William C. Parker, Secretary**