

**JOURNAL OF THE SENATE**

**Fifty-sixth Legislative Assembly**

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**Bismarck, February 16, 1999**

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

The prayer was offered by Pastor Greg Odell, Kidder Parish and Salvation Army, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President Pro Tem.

**MOTION**

**SEN. G. NELSON MOVED** that after action taken on the Sixth order, all bills on that order be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

**MOTION**

**SEN. G. NELSON MOVED** that SB 2409, which is on the Eleventh order, be moved to the top of the calendar, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2409:** A BILL for an Act to amend and reenact section 32-23-11 of the North Dakota Century Code, relating to parties in a declaratory action.

**ROLL CALL**

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner

**NAYS:** Watne

Engrossed SB 2409 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2016: SEN. GRINDBERG (Appropriations Committee) MOVED** that the amendments on SJ pages 426-427 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2016:** A BILL for an Act to provide an appropriation for defraying the expenses of the division of emergency management.

**ROLL CALL**

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2016 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2170: SEN. KILZER (Human Services Committee) MOVED** that the amendments on SJ pages 428-430 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2170:** A BILL for an Act to create and enact a new section to chapter 14-08.1, a new section to chapter 14-19, and a new section to chapter 20.1-03 of the North Dakota Century Code, relating to certification of child support records, the duties of voluntary paternity establishment service entities, and the recording of social security numbers on game and fish license and permit applications; to amend and reenact subsection 1 of section 14-09-08.4, sections 14-09-08.6, 14-09-08.11, 14-09-09.6, 14-09-09.15, 14-09-09.16, 14-09-09.28, 14-09-25, subsection 3 of section 14-17-11, subsection 4 of section 14-17-14, sections 14-17-17, 14-19-01, 14-19-05, 14-19-07, 14-19-08, 39-06-07, section 50-09-02.4, subdivision h of subsection 1 of section 50-09-08.2, sections 50-09-08.3, and 50-09-08.5 of the North Dakota Century Code, relating to technical and conforming amendments to child support laws and the state disbursement unit; to repeal sections 14-09-14 and 14-09-27 of the North Dakota Century Code, relating to exceptions to parental liability for child support and to the state disbursement fund; to provide a continuing appropriation; to provide an effective date; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 36 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Tallackson; Thane; Thompson; Traynor; Wardner; Watne

**NAYS:** Bowman; Christmann; Cook; Kinnoin; Klein; Mutch; Naaden; Solberg; Stenehjem, B.; Stenehjem, W.; Tomac; Urlacher; Wanzek

Engrossed SB 2170 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF AMENDMENTS**

**SB 2245: SEN. REDLIN (Education Committee) MOVED** that the amendments on SJ pages 430-431 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2245:** A BILL for an Act to amend and reenact sections 15-40.1-09 and 15-47-33 of the North Dakota Century Code, or in the alternative to amend and reenact section 15.1-06-04 of the North Dakota Century Code, relating to school holidays; and to repeal sections 15-38-04.1 and 15.1-06-02 of the North Dakota Century Code, relating to mandatory school holidays.

**ROLL CALL**

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

**YEAS:** Andrist; DeMers; Mutzenberger; Nelson, C.

**NAYS:** Bercier; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2245 lost.

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**CONSIDERATION OF AMENDMENTS**

**SB 2276: SEN. SCHOBINGER (Transportation Committee) MOVED** that the amendments on SJ page 431 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2276:** A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to use of replacement crash parts in motor vehicle repairs.

**ROLL CALL**

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2276 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2294: SEN. DEMERS (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ pages 431-432 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2294:** A BILL for an Act to amend and reenact sections 54-40.2-01, 54-40.2-02, and 54-40.2-09 of the North Dakota Century Code, relating to agreements between Indian tribes and the state.

**ROLL CALL**

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2294 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2308: SEN. MUTCH (Transportation Committee) MOVED** that the amendments on SJ page 432 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2308:** A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to a mile tax in lieu of reciprocal registration; to provide a penalty; and to provide an effective date.

**ROLL CALL**

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

**YEAS:** Bercier; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; O'Connell; Redlin; Robinson; Tallackson; Thane; Thompson; Tomac

**NAYS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Mutch; Naaden; Nelson, G.; Nething; Sand;

Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Nelson, C.

Engrossed SB 2308 lost.

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#### CONSIDERATION OF AMENDMENTS

**SB 2316: SEN. MUTZENBERGER (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ pages 432-435 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2316:** A BILL for an Act to amend and reenact sections 16.1-08.1-01, 16.1-08.1-02, 16.1-08.1-03, 16.1-08.1-03.2, subsection 3 of section 16.1-08.1-03.3, sections 16.1-08.1-03.6, and 16.1-08.1-06 of the North Dakota Century Code, relating to campaign contribution statements.

#### ROLL CALL

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2316 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2321: SEN. COOK (Transportation Committee) MOVED** that the amendments on SJ pages 435-436 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2321:** A BILL for an Act to amend and reenact sections 39-05-17.2 and 39-05-20.2 of the North Dakota Century Code, relating to vehicle damage disclosure.

#### ROLL CALL

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2321 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2327: SEN. DEMERS (Human Services Committee) MOVED** that the amendments on SJ page 436 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2327:** A BILL for an Act to create and enact a new subsection to section 30.1-28-03 and two new subsections to section 30.1-28-04 of the North Dakota Century Code, relating to authority of guardians to make health care decisions and compensation for services in guardianship proceedings; and to amend and reenact subsection 2 of section

30.1-28-04 of the North Dakota Century Code, relating to authority of guardians to make health care decisions.

#### ROLL CALL

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjerm, B.; Stenehjerm, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Traynor

Engrossed SB 2327 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2353: SEN. SAND (Agriculture Committee) MOVED** that the amendments on SJ pages 436-437 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2353:** A BILL for an Act to amend and reenact section 19-10-03.1 of the North Dakota Century Code, relating to alcohol-blended gasoline sale notices.

#### ROLL CALL

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjerm, B.; Stenehjerm, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Traynor

Engrossed SB 2353 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2374: SEN. LEE (Human Services Committee) MOVED** that the amendments on SJ page 437 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2374:** A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to insurance coverage of foods and food products for inherited metabolic diseases; and to amend and reenact section 26.1-36-09.7 of the North Dakota Century Code, relating to removal of the sunset provision of the foods and food products for inherited metabolic diseases insurance coverage law.

#### ROLL CALL

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjerm, B.; Stenehjerm, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Traynor

Engrossed SB 2374 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2389: SEN. WARDNER (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ pages 437-438 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2389:** A BILL for an Act to create and enact a new subsection to section 54-35-18.2 and a new section to chapter 54-35 of the North Dakota Century Code, relating to study areas of the electric industry competition committee; and to provide an expiration date.

#### MOTION

**SEN. G. NELSON MOVED** the question be put at 10:04 a.m., which motion prevailed.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 33 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, C.; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Bercier; DeMers; Heitkamp; Kelsh; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; O'Connell; Redlin; Robinson; Thompson; Tomac

**ABSENT AND NOT VOTING:** Traynor

Engrossed SB 2389 passed and the title was agreed to.

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#### MOTION

**SEN. ST. AUBYN MOVED** that the Senate stand in recess until 10:15 a.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Pro Tem W. Stenehjem presiding.

#### CONSIDERATION OF AMENDMENTS

**SB 2390: SEN. LYSON (Political Subdivisions Committee) MOVED** that the amendments on SJ page 438 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2390:** A BILL for an Act to amend and reenact sections 11-08-05, 11-08-07, 11-08-08, 11-08-09, 11-08-10, 11-08-13, 11-08-15, 11-09-18, 11-09-19, subsection 3 of section 11-09.1-05, sections 11-10-02, 11-10-04, subsection 3 of section 11-10.2-01, and section 11-15-01.1 of the North Dakota Century Code, relating to the election of the county sheriff and county state's attorney.

#### 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; Bercier; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lindaas; Lyson; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

**NAYS:** DeMers; Kroeplin; Lee; Mathern, D.; O'Connell

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

Engrossed SB 2390 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2407: SEN. SCHOBINGER (Transportation Committee) MOVED** that the amendments on SJ pages 438-439 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2407:** A BILL for an Act to create and enact a new section to chapter 26.1-26 of the North Dakota Century Code, relating to insurance sales by rental car agencies.

#### 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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Lee; Nothing; Traynor

Engrossed SB 2407 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2438: SEN. MUTCH (Transportation Committee) MOVED** that the amendments on SJ page 439 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2438:** A BILL for an Act to amend and reenact section 39-32-02 of the North Dakota Century Code, relating to interstate exemptions from federal hours of service provisions.

#### 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; Bercier; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

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

**ABSENT AND NOT VOTING:** Nothing; Traynor

Engrossed SB 2438 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2035:** A BILL for an Act to create and enact a new section to chapter 50-24.4 of the North Dakota Century Code, relating to limits on geropsychiatric nursing facilities; and to amend and reenact section 50-24.4-13 of the North Dakota Century Code, relating to exceptions to case mix nursing home rates.

#### ROLL CALL

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

**YEAS:** DeMers; Lyson; Nelson, C.

**NAYS:** Andrist; Bercier; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

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

Engrossed SB 2035 lost.

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#### SECOND READING OF SENATE BILL

**SB 2037:** A BILL for an Act to create and enact a new section to chapter 50-24.3 of the North Dakota Century Code, relating to the duty of nursing facilities to assure preadmission assessment of medicaid recipients; to amend and reenact sections 50-24.3-01 and 50-24.3-03 of the North Dakota Century Code, relating to the provision of targeted case management and preadmission assessments; and to provide an appropriation.

#### ROLL CALL

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

**NAYS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

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

Engrossed SB 2037 lost.

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#### SECOND READING OF SENATE BILL

**SB 2040:** A BILL for an Act to create and enact a new section to chapter 14-09 of the North Dakota Century Code, relating to the rights and duties of parents in child custody and visitation proceedings; and to amend and reenact section 14-09-24 of the North Dakota Century Code, relating to enforcement of child visitation.

#### ROLL CALL

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

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

Engrossed SB 2040 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2045:** A BILL for an Act to create and enact chapter 23-35 of the North Dakota Century Code, relating to public health law; to amend and reenact subsection 2 of section 23-01-05, subsection 2 of section 23-07.6-01, subdivision h of subsection 1 of section 40-01.1-04, section 54-52-02, and subsection 13 of section 58-06-01 of the North Dakota Century Code, relating to references to public health law and the powers and duties of boards of township supervisors; to repeal chapters 23-03, 23-04, 23-05,

section 23-07-04, and chapter 23-14 of the North Dakota Century Code, relating to public health law; and to provide a penalty.

#### ROLL CALL

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

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

Engrossed SB 2045 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2060:** A BILL for an Act to amend and reenact section 50-24.1-01.1 of the North Dakota Century Code, relating to medicaid payment of nurse midwife fees.

#### ROLL CALL

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

**YEAS:** Watne

**NAYS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner

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

Engrossed SB 2060 lost.

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#### SECOND READING OF SENATE BILL

**SB 2171:** A BILL for an Act to create and enact three new sections to chapter 27-20, two new subsections to section 50-09-01, five new subsections to section 50-09-02, two new subsections to 50-09-03, a new section to chapter 50-09, two new sections to chapter 50-11, two new chapters to title 50, and a new section to chapter 50-12 of the North Dakota Century Code, relating to implementing the Adoption and Safe Families Act of 1997 and the interstate compact on adoption and medical assistance; and to amend and reenact subsection 4 of section 14-15-11, subsection 2 of section 14-15.1-04, sections 27-20-02, 27-20-03, subsection 3 of section 27-20-24, sections 27-20-30, 27-20-36, 27-20-38, 27-20-44, 27-20-45, 27-20-46, 27-20-47, 27-21-02.1, and 50-11-06.8 of the North Dakota Century Code, relating to implementing the Adoption and Safe Families Act of 1997.

#### ROLL CALL

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

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

Engrossed SB 2171 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2182:** A BILL for an Act to create and enact a new chapter to title 50 of the North Dakota Century Code, relating to implementing a children's health insurance program.

### MOTION

**SEN. DEMERS MOVED** that Engrossed SB 2182 be amended as follows:

Page 1, line 23, replace "one hundred fifty" with "two hundred"

Renumber accordingly

### REQUEST

**SEN. DEMERS REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2182, which request was granted.

### ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SB 2182, the roll was called and there were 18 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bercier; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac

**NAYS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Urlacher; Wanzek; Wardner; Watne

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

The proposed amendments to Engrossed SB 2182 were defeated.

### ROLL CALL

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

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

Engrossed SB 2182 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2189:** A BILL for an Act to amend and reenact section 29-19-02 of the North Dakota Century Code, relating to a speedy trial.

### ROLL CALL

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand;

Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Nothing; Traynor

Engrossed SB 2189 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2237:** A BILL for an Act to create and enact two new sections to chapter 54-06 of the North Dakota Century Code, relating to public employee emergency services volunteers.

#### ROLL CALL

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Nothing; Traynor

Engrossed SB 2237 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2267:** A BILL for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to the special road committee; to amend and reenact subsection 3 of section 24-02-37 of the North Dakota Century Code, relating to the special road fund; to provide an effective date; and to declare an emergency.

#### ROLL CALL

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Nothing; Traynor

Engrossed SB 2267 passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

**SB 2371:** A BILL for an Act to create and enact a new section to chapter 19-03.1 of the North Dakota Century Code, relating to a presumption in drug forfeiture cases.

#### ROLL CALL

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand;

Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

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

Engrossed SB 2371 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2312:** A BILL for an Act to create and enact a new subsection to section 54-17.2-03, a new subsection to section 54-44.5-04, and a new section to chapter 54-44.5 of the North Dakota Century Code, relating to powers of the North Dakota building authority and the office of governmental assistance to implement a state facility energy improvement program.

#### ROLL CALL

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Lindaas; Nething; Traynor

Reengrossed SB 2312 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2344:** A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to the closure of schools in weather emergencies; to amend and reenact section 15-47-33 of the North Dakota Century Code, or in the alternative to amend and reenact section 15.1-06-04 of the North Dakota Century Code, relating to length of the school year; and to repeal section 15-40.1-09.1 of the North Dakota Century Code, relating to the closure of schools due to emergencies.

#### ROLL CALL

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

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

Engrossed SB 2344 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2368:** A BILL for an Act to create and enact a new section to chapter 19-02.1 of the North Dakota Century Code, relating to the sale of food, drugs, and cosmetics; and to provide a penalty.

#### ROLL CALL

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

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

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

Engrossed SB 2368 passed and the title was agreed to.

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#### MOTION

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

**THE SENATE RECONVENED** pursuant to recess taken, with President Pro Tem W. Stenehjem presiding.

#### MOTION

**SEN. ST. AUBYN MOVED** that a committee of two be appointed to escort the Honorable Senator Byron Dorgan to the rostrum to address the Senate, which motion prevailed.

**PRESIDENT PRO TEM W. STENEHJEM APPOINTED** Sens. Watne and D. Mathern to the escort committee.

#### REMARKS OF HONORABLE BYRON L. DORGAN, UNITED STATES SENATOR

Senator Stenehjem, members of the State Senate. It's a pleasure for me to be here. In fact, it's a pleasure to be anywhere. As you know if you've watched the U.S. Senate at the start of the sessions for the last five weeks, the admonition by the Sergeant-at-Arms was "Hear Ye, Hear Ye, all Senators present know under the pain of imprisonment they shall remain silent during the conduct of the Senate's business." So I have remained silent for five weeks and your invitation was fortuitous because I have so much to say, but I won't say it all.

All of us know that this is the last year of the century, and we are working as legislators at the state and federal level and preparing for the first year of a new century in this country. The last quarter century contained two enduring truths that all of us--you in the State Senate and those of us serving in the United States Congress and the American people--lived with everyday. Those two truths were: One, we were involved in a cold war, and two, we had crippling federal budget deficits. For a quarter of a century they dominated decisions in public service. Both have changed. The cold war is over and there is no longer a federal deficit. We are headed towards enduring long-term federal surpluses according to those who predict those kinds of things.

With a costly cold war over and with crippling federal budget deficits gone, everything can change for us. We have the strongest economy in the world, we have virtually no inflation, and we have virtually full employment. I used to teach economics for a couple years in college and one of the things you teach is that the twin economic goals of any country are stable prices and full employment. Those are the twin goals. America has stable prices and full employment.

So we turn to a new agenda - the Congress and state legislatures in partnership. We are sending more block grants back to the states with greater flexibility for expenditure. And I have been working with the national council of state legislatures on a wide range of issues. In fact, your presiding officer was at a luncheon about two weeks ago at which I was presented with one of the Legislator of the Year awards by the National Council of State Legislatures, and I said that I was particularly pleased that Representative Dorso and Senator Stenehjem were there because no one back home would have believed it unless there was a witness. But I am proud to receive an award from the National Council of State Legislatures, because I believe that our work together is a partnership.

Let me talk just for a moment about the things we are trying to do that I hope complement the things that you are trying to do. One, we are trying to pursue a series of public policies to come to the fore that would give better schools to the children of this country. Now, we understand that schools will be run by local school districts and funding will come from state legislatures. We are not offering that, but when the greatest generation, as Tom Brokaw calls them, came back from WWII and had all these children, they also decided they had to build schools in which to educate these children. Many of these schools that were built just after the Second

World War are now in need of repair and in need of some additional investment all across this country. So we are trying to do something in the Congress that would offset some of the interest costs on bonds for school construction and repair. I think that will pass in this session of Congress. And I think it will pass with bipartisan support, and I think it's the right thing to do.

We are also trying to do something about health care - especially with respect to a patient's bill of rights and HMO reform. Patients in this country, everywhere in this country, deserve to have the right to know all of their medical options, not just the cheapest option. We are going to pass, I think, some kind of patient's bill of rights this year. I know you have just had the first debate on the children's health program. But we passed in the Congress nearly 80 percent funding for a children's health insurance program, feeling that if we can't do it all then let us start at least with the most vulnerable, the children. My hope is that when this process completes its way through the House and the Senate and you are able to work your will - my hope is that you will be able to make maximum use of that money for children's health insurance. The extra several thousand children that could be covered will understand that as important to their lives and it will be a good investment in this state.

We will also turn our attention now to Social Security and Medicare reform. Let me just say to those who say, "Gee, those programs now cost more than they should and therefore they represent some kind of failure", that is not true at all. Both of the problems in Social Security and Medicare are borne of success. People are living longer and better lives. We wouldn't have problems in Social Security and Medicare if the average life expectancy in America wasn't now close to 78 years of age. People live longer and better lives, and all of those little problems are borne of success. We should tackle them and tackle them soon.

With projected budget surpluses and now the question is what to do with the surpluses. We will have a debate in Congress about that. Some are proposing \$550 billion in tax cuts. My preference is that we begin to pay down the federal debt. It seems to me that when you have good economic times and produce surpluses in good economic times, that's the time to begin at least some payment on the federal indebtedness. What better gift could we give to America's children than to decide that when good times produce surpluses, we can invest some of those surpluses in paying down federal indebtedness.

The proposal for tax cuts to be used to induce USA accounts or a national savings account above Social Security makes a lot of sense to me as well. It makes good sense to make tax cuts to induce the kinds of choices that will strengthen this country. There is not much that will strengthen this country more than people preparing for their retirement through US individual savings accounts initiated by tax cuts.

I also want to say that in North Dakota we have a significant challenge with water projects. I want to compliment you. I have been watching in the papers the debate that you all have had about these issues. You know how difficult it is with respect to the Devils Lake challenge. You know that the challenges with respect to the dike situation at Grand Forks are very significant and also other cities that have requirements for flood protection. All of us know how significant those are. I know you have worked very hard on them and I think you probably know you can't end this session without providing the resources to match the federal resources for those projects, because there can't be federal money unless there is a state and local match. But, I think you are making significant progress there and I know the North Dakota people whose livelihoods and welfare depend on progress in those areas for flood protection - I know how much they appreciate that.

Let me just mention a more general area of challenges in this state of ours. The other day I spoke to a 90 year old woman that you may have read about. I was so struck by this Associated Press story about Margaret Hanson that I picked up the phone and called Oaks Hospital. I said, "Is Margaret able to take a telephone call?" Margaret Hanson, as you might have recalled in the story last week, was a 90 year old woman who left home in the morning in the fog and at 90 years of age, driving her own car, got stuck in a snow bank. At temperatures of below freezing, worrying that no one would find her, got out and began to walk. She walked a mile and a half. Her legs wouldn't carry her anymore and then she began to crawl on a gravel road. Finally, about 9 to 10 hours later someone found Margaret huddled, cold, nearly froze to death, on the road near Forman, North Dakota. That was apparently two weeks ago. When I called the Oaks Hospital the other day, I asked if Margaret could speak on the phone. "Oh, yes," they said. They rang Margaret's room. I said, "Margaret, this is Byron Dorgan. I'm wondering how you are feeling?" "I feel fine," she said. "My legs aren't doing so good, but I feel fine." I thought to myself--only that kind of spirit, the strength and determination that people have in our state to get through the worst of times, could face that situation at age 92 having crawled on a gravel road and lying in freezing temperatures until found, would say, "Oh, I feel fine."

Well, what is fine about this state is that we are full of Margarets--people whose inner strength is hard to describe. But one of the difficulties we have, despite all of our inner strength, is we are a part of the country that is losing population. North Dakota is losing population. It is not just us; all the rural counties up and down the farm belt are losing population. Everything you do in this chamber is affected by that--the cost of maintaining roads in counties that are shrinking, health care, the maintenance of schools--virtually everything you do. We have somewhere around 15 or 16 counties that have fewer than 25 children that will be going into the first grade about 5 or 6 six years from now. Many of them will be divided into three school districts and, of course, you can't keep a school together dividing 25 kids into three districts in first grade. So everything that we confront in public policy is affected by the central notion that we are losing population. Now, what do we do about that? Well, my hope is that we at the federal level and you at the state level, in our legislative activities, can decide that there are some fundamental ideas and directions of change that could be helpful to rural states.

First, I hope very much that you will send a message to the United States Congress by resolution that the current farm program needs to be changed. We need a better safety net for family farmers when prices collapse. Some of you may disagree with that but I hope you will debate it and decide. Will we have family farmers left if there is not a safety net? I don't think so. I hope you will express yourself to Congress. You know what one of the problems is? We have a dozen different voices from a dozen different organizations all claiming to represent the same family farmer, coming to Washington, saying here are a dozen different ideas on how to address the problem. I would encourage you to have a healthy robust debate. Nothing is much more important to our state. Agriculture is 40 percent of our economic base. Have a debate about that and then send Congress your thoughts about the direction you think this should take.

Another area that I think is important is monopolies and mergers. We are choking this economy in rural America through monopolies and mergers--monopolies in every direction. Go down to the railroad tracks. Put something on the train and find out if you have much of a choice. Find out what they will charge you. Then ask the Public Service Commission why its numbers say that we are overcharged over \$100 million here in North Dakota for hauling things. We are overcharged over \$100 million according to the regulators. Monopolies cost this state plenty.

Now we are talking about restructuring in the Congress and you probably are talking about it some here: restructuring with respect to electricity. Well, every time we have restructured, we have lost. Every time we have been deregulated, we've lost. We need to have a robust, healthy debate about that and what needs to be done to protect the economic interest of folks who farm and folks who invest their lives on main streets and do business in rural states as well.

So those are the issues that we have to mobilize to try to address. It is not just North Dakota. We need to mobilize with our neighbors in South Dakota, Kansas, Nebraska, and Montana as well because they are in the same boat. When I look at what we have in this region, we have a wonderful part of this country that is being left behind. While we have this wonderful economic growth in America and this progress, we have a lot of rural counties that are shrinking and a lot of folks in rural counties that are not doing well and a lot of family farmers that are not making it. So, we are told that the food we produce doesn't have much value. That's what the market system says. But of course we know that is not true. A half billion people in the world will go to bed tonight with an ache in their belly because they don't have enough to eat. We know it's not true that food doesn't have value. Food has enormous value. We need to find an economic system that will connect those who produce it with those who need it in a way that gives those who produce it a decent return. I hope we can together, at the state and federal level, begin to work on a range of policies: a better farm program, breaking monopolies where monopolies exist, antitrust enforcement, end sanctions - yes, let's end all sanctions that deal with food and medicine. Does anybody think that Fidel Castro has ever missed a meal because we can't sell wheat to Cuba? Does anybody think that Saddam Hussein has ever gone hungry because we can't sell American grain to Iraq? The only victims of sanctions that affect food and medicine are poor people and hungry people and family farmers that produce the food, and we ought to end sanctions as well. So we have much to do and I don't think we can do it on a partisan basis. There is not a Democratic or a Republican way for a family farmer to go broke. There is not a Democratic or Republican way for someone without health insurance to decide that they can't seek medical assistance when they need it. There is not a Republican or Democratic way to create jobs in rural counties. It must be a bipartisan way. It must be the handshake of bipartisanship in which we decide that all of us have a stake in this state's future.

I can't help but tell you, as I part, that when I was doing some reading about impeachment and about the framers of the Constitution, Thomas Jefferson, who wasn't in Philadelphia when they wrote the Constitution because he was in Europe representing our country, contributed most to the Bill of Rights. But Thomas Jefferson, when they began debating about how they would

remunerate or pay members of the United States House and the United States Senate, suggested that perhaps the method of paying members of the United States Congress should be to pay them in wheat. As I was thinking about this this morning, I was thinking, you know, if members of Congress were paid in wheat, I'll bet we would have 100 percent parity. Maybe Thomas Jefferson had a good idea after all. But the more we have together worked on all of these issues and the more I have in the last six or eight weeks confronted the Constitutional questions with my Democratic and Republican colleagues in the Senate, the more I think all of us appreciate this system. Our country is doing well, as I said, but we have plenty of challenges and plenty of robust opportunities as well. I hope that as we work in a partnership between state legislatures and the United States Congress on all of the range of issues the American people want us to work on, that you can count on me and that I can count on you to pick up the phone and provide the kind of advice and opportunities that exist when we work together.

Mr. Presiding Officer, thank you very much for the opportunity to come. As a final thought, I will say that it has been many, many years since I served in the State Capitol and would come down to the railing and watch the Legislature in action and it is always a special thrill to see life in this chamber because life in this chamber means that people's work is being done. And while it has been many years since I have watched this work from that railing, I see some of the same, I won't name them, Duane Mutch, but I see some of the same people in the same seats and it's awfully nice to see you all once again.

#### MOTION

**SEN. ST. AUBYN MOVED** that the remarks of the Honorable Senator Byron Dorgan be printed in the Journal, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2376:** A BILL for an Act to create and enact a new section to chapter 26.1-41 of the North Dakota Century Code, relating to noneconomic loss for serious, accidental bodily injury; to provide for a report to the legislative council; and to provide an expiration date.

#### ROLL CALL

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Heitkamp; Holmberg; Lee; Nelson, C.; Stenehjem, W.

**ABSENT AND NOT VOTING:** Nothing; Traynor

Engrossed SB 2376 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2379:** A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales and use tax exemption for repair and replacement parts for machinery and equipment used for oil and gas production or exploration; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Naaden; O'Connell; Redlin; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Bercier; Mutch; Nelson, C.; Nelson, G.; Sand; Tallackson

**ABSENT AND NOT VOTING:** Nothing; Traynor

Engrossed SB 2379 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2404:** A BILL for an Act to create and enact a new section to chapter 52-08 of the North Dakota Century Code, relating to work force training; and to provide an appropriation.

#### ROLL CALL

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

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Bercier; Kinnoin; Mutch; Redlin

**ABSENT AND NOT VOTING:** Nothing; Traynor

Engrossed SB 2404 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2410:** A BILL for an Act to create and enact a new section to chapter 15-47 of the North Dakota Century Code, relating to an early childhood education certificate.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 27 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bercier; DeMers; Grindberg; Heitkamp; Holmberg; Kelsh; Krauter; Krebsbach; Kroeplin; Lee; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Sand; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Urlacher; Wardner; Watne

**NAYS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Kilzer; Kinnoin; Klein; Kringstad; Lyson; Mutch; Naaden; Nelson, G.; Schobinger; Solberg; Stenehjem, B.; Tomac; Wanzek

**ABSENT AND NOT VOTING:** Nothing; Traynor

Engrossed SB 2410 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2208:** A BILL for an Act to amend and reenact subsection 1 of section 54-35-02.4 of the North Dakota Century Code, relating to recommendations of the employee benefits programs committee.

#### ROLL CALL

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

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

Engrossed SB 2208 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2212:** A BILL for an Act to create and enact a new section to chapter 12.1-17 of the North Dakota Century Code, relating to injuring another while fleeing a peace officer; and to amend and reenact section 39-10-71 of the North Dakota Century Code, relating to the penalty for fleeing a peace officer.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 39 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Christmann; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Andrist; Bowman; Cook; Mutch; Mutzenberger; Solberg; Stenehjem, B.; Stenehjem, W.

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

Engrossed SB 2212 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2309:** A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 43-25-07 of the North Dakota Century Code, relating to school of massage therapy accreditation standards.

#### **ROLL CALL**

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Naaden; Nelson, G.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Mutch; Solberg

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

Engrossed SB 2309 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2362:** A BILL for an Act to create and enact two new sections to chapter 12.1-16 of the North Dakota Century Code, relating to the prevention of assisted suicide.

#### **ROLL CALL**

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Naaden; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

**NAYS:** DeMers; Kinnoin; Mutzenberger; Nelson, C.; Redlin

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

Engrossed SB 2362 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2414:** A BILL for an Act to create a North Dakota higher education savings plan; and to provide an appropriation.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 33 YEAS, 14 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; DeMers; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Sand; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner

**NAYS:** Christmann; Cook; Freborg; Kilzer; Krebsbach; Lee; Mutch; Naaden; Nelson, G.; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Watne

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

Engrossed SB 2414 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2032:** A BILL for an Act to amend and reenact sections 50-06-20 and 50-09-02.2 of the North Dakota Century Code, relating to assistance for adopted children with special needs.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 36 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bercier; DeMers; Heitkamp; Lee; Lindaas; Mathern, T.; Mutzenberger; Nelson, C.; Redlin; Robinson; Tallackson

**NAYS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lyson; Mathern, D.; Mutch; Naaden; Nelson, G.; O'Connell; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

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

SB 2032 lost.

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#### **SECOND READING OF SENATE BILL**

**SB 2038:** A BILL for an Act to amend and reenact sections 23-09.3-01.1 and 23-16-01.1 of the North Dakota Century Code, relating to a moratorium on additional basic care facility and nursing facility bed capacity.

#### **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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch;

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

**ABSENT AND NOT VOTING:** Naaden; Nothing; Traynor

SB 2038 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2050:** A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to local gaming enforcement grants.

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

**NAYS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Naaden; Nothing; Traynor

SB 2050 lost.

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#### SECOND READING OF SENATE BILL

**SB 2080:** A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 27-10-01.3 of the North Dakota Century Code, relating to contempt of court in child or spousal support actions.

#### 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Naaden; Nothing; Traynor

SB 2080 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2115:** A BILL for an Act to create and enact a new section to chapter 50-09 of the North Dakota Century Code, relating to county share of foster care costs.

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

**NAYS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

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

SB 2115 lost.

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**SECOND READING OF SENATE BILL**

**SB 2147:** A BILL for an Act to amend and reenact subsection 3 of section 25-02-01.1 of the North Dakota Century Code, relating to the governing body of the state hospital.

**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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

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

SB 2147 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2164:** A BILL for an Act to provide for the issuance of bonds and an appropriation to finance construction of an outlet from Devils Lake and to finance a statewide water development program; and to provide an expiration 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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

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

SB 2164 lost.

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**SECOND READING OF SENATE BILL**

**SB 2073:** A BILL for an Act to amend and reenact section 14-09-08.2 of the North Dakota Century Code, relating to child support for children after majority.

**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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

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

SB 2073 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2165:** A BILL for an Act to create and enact a new chapter to title 61 of the North Dakota Century Code, relating to the issuance of bonds to finance construction of flood control projects; to amend and reenact subdivision d of subsection 5 of section 61-02-02 of the North Dakota Century Code, relating to the definition of works; to provide an appropriation; to provide an expiration date; 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 1 YEA, 46 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Stenehjem, B.

**NAYS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

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

SB 2165 lost.

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### SECOND READING OF SENATE BILL

**SB 2191:** A BILL for an Act to provide for rights of organization and representation of state employees, collective bargaining negotiations between the state of North Dakota and its employees, establishment of a state employment relations board, and public employment relations.

### 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 20 YEAS, 27 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Cook; DeMers; Heitkamp; Holmberg; Kelsh; Krauter; Kringstad; Kroepelin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac

**NAYS:** Andrist; Bowman; Christmann; Fischer; Flakoll; Freborg; Grindberg; Kilzer; Kinnoin; Klein; Krebsbach; Lee; Lyson; Mutch; Naaden; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Urlacher; Wanzek; Wardner; Watne

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

SB 2191 lost.

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### SECOND READING OF SENATE BILL

**SB 2232:** A BILL for an Act to amend and reenact subsection 1 of section 16.1-05-02 of the North Dakota Century Code, relating to the qualifications of members of the board of election.

### ROLL CALL

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

**YEAS:** Andrist; Bercier; Bowman; Flakoll; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Lee; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Wardner

**NAYS:** Christmann; Cook; DeMers; Fischer; Freborg; Grindberg; Kilzer; Krebsbach; Kringstad; Kroepin; Lindaas; Lyson; Mutch; Naaden; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Urlacher; Wanzek; Watne

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

SB 2232 lost.

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#### SECOND READING OF SENATE BILL

**SB 2248:** A BILL for an Act to repeal section 11-10-05.1 of the North Dakota Century Code, relating to commencement of terms of county commissioners.

#### 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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

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

SB 2248 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2262:** A BILL for an Act to amend and reenact section 39-08-20 of the North Dakota Century Code, relating to the penalty for driving without liability insurance.

#### 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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

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

SB 2262 lost.

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#### SECOND READING OF SENATE BILL

**SB 2295:** A BILL for an Act to amend and reenact subsection 5 of section 26.1-17-33.1 of the North Dakota Century Code, relating to formation of insurance companies for administration of medicare claims.

#### 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepin; Lee; Lindaas; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Lyson; Nething; Traynor

SB 2295 passed and the title was agreed to.

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**MOTION**

**SEN. ST. AUBYN MOVED** that the Senate stand in recess until 3:15 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Pro Tem W. Stenehjem presiding.

**SECOND READING OF SENATE BILL**

**SB 2311:** A BILL for an Act to provide for registration of a qualified elector to vote in any statewide special, primary, or general election; to amend and reenact section 11-13-16, subsection 2 of section 15-28-03, subsection 2 of section 16.1-01-01, subsection 3 of section 16.1-05-02, subsection 3 of section 16.1-05-04, subsection 1 of section 16.1-05-06, subsection 2 of section 16.1-06-16, sections 16.1-06-21, 16.1-07-12, 16.1-11-31, 16.1-11-32, 16.1-11.1-02, 16.1-15-02, 16.1-15-06, 16.1-15-08, 16.1-15-11, 21-03-10, 40-21-09, and 40-21-13 of the North Dakota Century Code, relating to elector registers; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 39 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Freborg; Holmberg; Krebsbach; Mutch; Nelson, G.; St. Aubyn; Stenehjem, W.

**NAYS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Grindberg; Heitkamp; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Naaden; Nelson, C.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

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

SB 2311 lost.

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**SECOND READING OF SENATE BILL**

**SB 2324:** A BILL for an Act to assist tribal colleges educating students who are less than one-quarter Indian; and to provide an appropriation.

**ROLL CALL**

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

**YEAS:** Bercier; DeMers; Freborg; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Naaden; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thane; Thompson; Tomac; Watne

**NAYS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Urlacher; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Grindberg; Nething; Traynor

SB 2324 lost.

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**SECOND READING OF SENATE BILL**

**SB 2332:** A BILL for an Act to create and enact a new section to chapter 57-51 of the North Dakota Century Code, relating to an oil and gas gross production tax exemption for stripper wells; to amend and reenact section 57-51-15 of the North Dakota Century

Code, relating to allocation of oil and gas gross production tax revenue; 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 2 YEAS, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Kinnoin; O'Connell

**NAYS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

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

SB 2332 lost.

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#### MOTION

**SEN. KRINGSTAD MOVED** that the Senate reconsider its action whereby SB 2232 failed to pass, which motion prevailed on a verification vote.

#### MOTION

**SEN. G. NELSON MOVED** that SB 2232 be laid over one legislative day, which motion prevailed.

SB 2232 was placed on the Eleventh order for the succeeding legislative day.

#### SECOND READING OF SENATE BILL

**SB 2335:** A BILL for an Act to amend and reenact section 15-41.1-01 of the North Dakota Century Code, relating to the postsecondary enrollment options program.

#### 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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

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

SB 2335 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2339:** A BILL for an Act to create and enact a new subsection to section 57-38-30.3 and chapter 57-38.6 of the North Dakota Century Code, relating to agricultural cooperatives; to amend and reenact sections 4-14.1-03 and 4-14.1-03.1 of the North Dakota Century Code, relating to the agricultural products utilization; to provide an appropriation; to provide for the transfer of appropriations; and to provide an effective date.

#### REQUEST

**SEN. KRAUTER REQUESTED** that the Senate divide SB 2339 as follows, which request was granted.

**DIVISION A:** Section 2.

**DIVISION B:** The remainder of the bill.

**REQUEST**

**SEN. THOMPSON REQUESTED** a recorded roll call vote on Divisions A and B of SB 2339, which request was granted.

**ROLL CALL**

The question being on the adoption of Division A of SB 2339, the roll was called and there were 18 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bercier; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac

**NAYS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Urlacher; Wanzek; Wardner; Watne

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

Division A of SB 2339 was defeated.

**ROLL CALL**

The question being on the adoption of Division B of SB 2339, the roll was called and there were 18 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bercier; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac

**NAYS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Urlacher; Wanzek; Wardner; Watne

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

Division B of SB 2339 was defeated.

Because all divisions of the bill were defeated, the bill lost.

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**SECOND READING OF SENATE BILL**

**SB 2365:** A BILL for an Act to create and enact a new section to chapter 23-25 of the North Dakota Century Code, relating to state department of health odor readings.

**MOTION**

**SEN. WANZEK MOVED** that SB 2365 be amended as follows:

Page 1, replace lines 6 through 8 with:

**"Regulation of odors - Rules.**

1. In areas located within a city or the area over which a city has exercised extraterritorial zoning as defined in section 40-47-01.1, a person may not discharge into the ambient air any objectionable odorous air contaminant that measures seven odor concentration units or higher outside the property boundary where the discharge is occurring.
2. In areas located outside a city or outside the area over which a city has exercised extraterritorial zoning as defined in section 40-47-01.1, a person may not discharge into the ambient air any objectionable odorous air contaminant that causes odors that measure seven odor concentration units or higher as measured at any of the following locations:
  - a. Within one hundred feet [30.48 meters] of any residence, church, school, business, or public building, or within a campground or public park. An odor measurement may not be taken at the residence of the owner or operator of the source of the odor, or at any residence, church, school, business, or public building, or within a campground or

public park, that is built or established within one-half mile [.80 kilometer] of the source of the odor after the source of the odor has been built or established; or

- b. At any point located beyond one-half mile [30.48 meters] from the source of the odor, except for property owned by the owner or operator of the source of the odor, or over which the owner or operator of the source of the odor has purchased an odor easement.
3. An odor measurement may be taken only with a properly maintained scentometer, by an odor panel, or by another instrument or method approved by the state department of health, and only by inspectors certified by the department who have successfully completed a department-sponsored odor certification course and demonstrated the ability to distinguish various odor samples and concentrations.
4. A person is exempt from this section while spreading or applying animal manure or other recycled agricultural material to land in accordance with a nutrient management plan approved by the state department of health. A person is exempt from this section while spreading or applying animal manure or other recycled agricultural material to land owned or leased by that person in accordance with rules adopted by the department. An owner or operator of a lagoon or waste storage pond permitted by the department is exempt from this section in the spring from the time when the cover of the permitted lagoon or pond begins to melt until fourteen days after all the ice cover on the lagoon or pond has completely melted. Notwithstanding these exemptions, all persons shall manage their property and systems to minimize the impact of odors on their neighbors.
5. This section does not apply to chemical compounds that can be individually measured by instruments, other than a scentometer, that have been designed and proven to measure the individual chemical or chemical compound, such as hydrogen sulfide, to a reasonable degree of scientific certainty, and for which the state department of health has established a specific limitation by rule.
6. For purposes of this section, a public park is a park established by the federal government, the state, or a political subdivision of the state in the manner prescribed by law. For purposes of this section, a campground is a public or private area of land used exclusively for camping and open to the public for a fee on a regular or seasonal basis."

Renumber accordingly

#### REQUEST

**SEN. DEMERS REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to SB 2365, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2365, the roll was called and there were 36 YEAS, 11 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lyson; Mathern, D.; Mutch; Naaden; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

**NAYS:** DeMers; Kelsh; Lee; Lindaas; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Thane

**ABSENT AND NOT VOTING:** Nothing; Traynor

The proposed amendments to SB 2365 were adopted.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 32 YEAS, 15 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lyson; Mutch; Naaden; Nelson, G.; O'Connell; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Tomac; Urlacher; Wanzek; Wardner; Watne

**NAYS:** DeMers; Heitkamp; Holmberg; Kilzer; Lee; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; Redlin; Robinson; Stenehjem, W.; Thane; Thompson

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

Engrossed SB 2365 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2380:** A BILL for an Act to amend and reenact subsection 5 of section 4-05.1-19, sections 54-03-02, 54-03-02.1, subsection 11 of section 54-07-01, sections 54-35-16, 54-44.1-04, 54-44.1-13, and 55-44.2-10 of the North Dakota Century Code, relating to regular sessions of the legislative assembly in even-numbered years; to provide for budget section review of annual sessions; to provide for transition; 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 8 YEAS, 38 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** DeMers; Kelsh; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Tallackson; Thompson

**NAYS:** Andrist; Bercier; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mutch; Naaden; Nelson, G.; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Tomac; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Kringstad; Nething; Traynor

SB 2380 lost.

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#### SECOND READING OF SENATE BILL

**SB 2383:** A BILL for an Act to amend and reenact sections 54-03-02, 54-03-02.1, and 54-35-16 of the North Dakota Century Code, relating to reconvened regular sessions of the legislative assembly in even-numbered years for budget adjustment purposes.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 15 YEAS, 32 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bercier; DeMers; Kelsh; Kinnoin; Lindaas; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Stenehjem, W.; Tallackson; Thane; Thompson

**NAYS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lyson; Mathern, D.; Mutch; Naaden; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tomac; Urlacher; Wanzek; Wardner; Watne

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

SB 2383 lost.

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#### SECOND READING OF SENATE BILL

**SB 2391:** A BILL for an Act to amend and reenact section 39-08-09 of the North Dakota Century Code, relating to notification of motor vehicle accidents.

**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 43 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Lee; Lindaas; Mathern, D.; Mathern, T.; Mutch; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Kroeplin; Lyson; Mutzenberger

**ABSENT AND NOT VOTING:** Kringstad; Nething; Traynor

SB 2391 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2394:** A BILL for an Act to create and enact a new section to chapter 29-06 of the North Dakota Century Code, relating to arrest without a warrant by a peace officer.

**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 1 YEA, 45 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** DeMers

**NAYS:** Andrist; Bercier; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Kringstad; Nething; Traynor

SB 2394 lost.

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**SECOND READING OF SENATE BILL**

**SB 2395:** A BILL for an Act to amend and reenact subsection 3 of section 11-09.1-05, section 11-10-02, and subsection 1 of section 40-01.1-04 of the North Dakota Century Code, relating to county officer combination, separation, and redesignation; and to repeal chapter 11-10.2 of the North Dakota Century Code, relating to county officer combination, separation, and redesignation.

**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 3 YEAS, 44 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Naaden; Stenehjem, B.

**NAYS:** Andrist; Bercier; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

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

SB 2395 lost.

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**SECOND READING OF SENATE BILL**

**SB 2396:** A BILL for an Act to amend and reenact section 26.1-36-24 of the North Dakota Century Code, relating to the transferability of health insurance policies.

**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 36 YEAS, 10 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Flakoll; Freborg; Heitkamp; Holmberg; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kroepelin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner

**NAYS:** Fischer; Grindberg; Kelsh; Lee; O'Connell; Redlin; Stenehjem, B.; Stenehjem, W.; Tallackson; Watne

**ABSENT AND NOT VOTING:** Kringstad; Nething; Traynor

SB 2396 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2397:** A BILL for an Act to provide for the protection of private property and identification of the costs of property regulation.

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

**NAYS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Kringstad; Nething; Traynor

SB 2397 lost.

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**SECOND READING OF SENATE BILL**

**SB 2398:** A BILL for an Act to amend and reenact subsection 2 of section 4-09-03 of the North Dakota Century Code, relating to the state seed commission membership.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Kringstad; Nething; Traynor

SB 2398 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2403:** A BILL for an Act to amend and reenact section 39-16-03.1 of the North Dakota Century Code, relating to the confidentiality of a driver record or abstract.

**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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

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

SB 2403 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2412:** A BILL for an Act to provide for state agency participation in the work first demonstration project of the Turtle Mountain Band of Chippewa Indians.

**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 13 YEAS, 33 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Bercier; DeMers; Heitkamp; Kelsh; Krauter; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Thompson

**NAYS:** Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lyson; Mutch; Naaden; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Andrist; Nething; Traynor

SB 2412 lost.

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**SECOND READING OF SENATE BILL**

**SB 2415:** A BILL for an Act to create and enact seven new sections to chapter 36-09 of the North Dakota Century Code, relating to the state brand board; to amend and reenact sections 36-01-30, 36-05-10, 36-05-12, 36-05.1-05, 36-09-01, 36-09-14, 36-09-15, 36-09-18, 36-09-23, 36-09-24, 36-22-02, 36-22-03, 36-22-04, 36-22-05, 36-22-06, 36-22-07, and 36-22-08 of the North Dakota Century Code, relating to brand inspections; and to repeal section 36-22-09 of the North Dakota Century Code, relating to the requirement for a biennial audit of the North Dakota stockmen's association.

**ROLL CALL**

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

**YEAS:** Kelsh; O'Connell; Redlin; Thompson

**NAYS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Urlacher; Wanzek; Wardner; Watne

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

SB 2415 lost.

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#### SECOND READING OF SENATE BILL

**SB 2416:** A BILL for an Act to provide an appropriation to North Dakota state university to study the feasibility of forming a wheat marketing board.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 15 YEAS, 32 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bowman; DeMers; Flakoll; Heitkamp; Kelsh; Krauter; Lindaas; Mathern, T.; Mutzenberger; O'Connell; Redlin; Robinson; Stenehjem, B.; Tallackson; Thompson

**NAYS:** Andrist; Bercier; Christmann; Cook; Fischer; Freborg; Grindberg; Holmberg; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lyson; Mathern, D.; Mutch; Naaden; Nelson, C.; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Thane; Tomac; Urlacher; Wanzek; Wardner; Watne

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

SB 2416 lost.

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#### REQUEST

**SEN. NAADEN REQUESTED** the unanimous consent of the Senate to withdraw SB 2418, which is on the Eleventh order. There being no objection, it was so ordered by the President Pro Tem.

#### SECOND READING OF SENATE BILL

**SB 2421:** A BILL for an Act to amend and reenact subdivision e of subsection 5 of section 57-39.2-04.3 of the North Dakota Century Code, relating to a sales tax exemption for certain machinery and equipment for refining of crude oil; to provide an effective date; and to provide an expiration date.

#### 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 38 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Naaden; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Bercier; DeMers; Heitkamp; Kelsh; Mutch; Nelson, C.; O'Connell; Redlin; Thompson

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

SB 2421 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2422:** A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 15-40.1-06 of the North Dakota Century Code, relating to per student payments.

#### 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 17 YEAS, 29 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Bercier; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Robinson; Tallackson; Thompson; Tomac

**NAYS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Urlacher; Wanzek; Wardner; Watne

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

SB 2422 lost.

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#### SECOND READING OF SENATE BILL

**SB 2423:** A BILL for an Act to create and enact a new section to chapter 4-09 of the North Dakota Century Code, relating to the licensure of persons cleaning and conditioning grain for propagation.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 42 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Kelsh; Lindaas; O'Connell; Thompson

**NAYS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Urlacher; Wanzek; Wardner; Watne

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

SB 2423 lost.

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#### MOTION

**SEN. G. NELSON MOVED** that Senate Rule 507 be amended to read "thirty-second" in place of "thirty-first", which motion prevailed.

#### MOTION

**SEN. G. NELSON MOVED** that SB 2322 be returned to the Senate floor from the **Judiciary Committee** for the purpose of withdrawal, which motion prevailed.

#### REQUEST

**SEN. C. NELSON REQUESTED** the unanimous consent of the Senate to withdraw SB 2322. There being no objection, it was so ordered by the President Pro Tem.

#### MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

**MADAM PRESIDENT:** The Speaker has signed: SB 2105.

#### MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

**MADAM PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1001, HB 1019, HB 1233, HB 1256, HB 1266, HB 1274, HB 1370, HB 1405, HB 1422, HB 1439, HB 1441, HB 1451, HB 1454, HB 1462, HB 1465, HB 1468, HB 1490, HB 1492, HCR 3026.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2002, SB 2004, SB 2012, SB 2039, SB 2162, SB 2168, SB 2188, SB 2223, SB 2278, SB 2300, SB 2370, SB 2372, SB 2405.

#### MOTION

**SEN. ST. AUBYN MOVED** that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:30 a.m., Wednesday, February 17, 1999, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**SB 2003: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2003 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the first "and" and after "section" insert "12-60-16.9, subsection 3 of section 53-06.1-14, and section"

Page 1, line 3, after "to" insert "criminal history background checks, gaming stamp fees, and" and after "general" insert "; and to declare an emergency"

Page 1, line 11, replace "14,181,012" with "14,034,903"

Page 1, line 12, replace "4,753,803" with "4,772,703"

Page 1, after line 15, insert:

"Arrest and return of fugitives 10,000"

Page 1, line 17, replace "244,548" with "222,067"

Page 1, line 18, replace "2,528,385" with "2,344,118"

Page 1, line 19, replace "628,844" with "627,280"

Page 1, line 20, replace "2,745,933" with "1,604,175"

Page 1, line 21, replace "31,402,369" with "29,935,090"

Page 1, line 22, replace "17,279,464" with "15,946,103"

Page 1, line 23, replace "14,122,905" with "13,988,987"

Page 2, line 7, remove "not"

Page 2, line 8, remove "Fees collected for these services must be deposited in the general fund."

Page 2, line 9, after "entities" insert "not"

Page 2, line 10, replace "fire and tornado fund" with "entity receiving the service"

Page 2, line 12, remove "from the fire and tornado fund"

Page 2, after line 26, insert:

**"SECTION 8. LEGISLATIVE INTENT - ARREST AND RETURN OF FUGITIVES - EMERGENCY COMMISSION REQUEST.** It is the intent of the fifty-sixth legislative assembly that the attorney general submit a request to the emergency commission for additional appropriation authority from the state contingencies appropriation for reimbursing counties for costs relating to the arrest and return of fugitives if the funding provided for this purpose in section 1 of this Act is not adequate for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 9. AMENDMENT.** Section 12-60-16.9 of the North Dakota Century Code is amended and reenacted as follows:

**12-60-16.9. Criminal history record information - Fee for record check.** The bureau shall impose a fee of twenty dollars for a record check conducted for a noncriminal justice agency that is not also a court. Funds collected from this fee must be deposited in the attorney general's operating fund.

**SECTION 10. AMENDMENT.** Subsection 3 of section 53-06.1-14 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. A licensed distributor shall affix a North Dakota gaming stamp to each deal of pull tabs and bingo cards, punchboard, sports pool board, calcutta board, and series of paddlewheel ticket cards sold and shall purchase the stamps from the attorney general for ~~twenty five~~ thirty-five cents each. Ten cents of each stamp sold, up to thirty-six thousand dollars per biennium, must be credited to the attorney general's operating fund to defray the costs of issuing the gaming stamps.

Page 2, line 30, replace "sixty-eight" with "sixty-five", replace "three" with "seven", and replace "eighty-eight" with "fifty-three"

Page 3, line 1, after "2000" insert ", sixty-seven thousand sixty-eight dollars through December 31, 2000", replace "seventy" with "sixty-nine", overstrike "four hundred", and replace "forty" with "two"

Page 3, after line 2, insert:

**"SECTION 12. EMERGENCY.** The high-intensity drug trafficking area line item in section 1 of this Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**DEPARTMENT 125 - ATTORNEY GENERAL**

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$14,181,012	(\$146,109)	\$14,034,903
Operating expenses	4,753,803	18,900	4,772,703
Equipment	868,710		868,710
Grants	5,396,025		5,396,025
Litigation fees	50,000		50,000
Gaming Commission	5,109		5,109
Racing Commission	244,548	(22,481)	222,067
Nat. criminal history improve. project	2,528,385	(184,267)	2,344,118
Law enforcement programs	628,844	(1,564)	627,280
High-intensity drug trafficking area	2,745,933	(1,141,758)	1,604,175
Arrest and return of fugitives		10,000	10,000
<b>Total all funds</b>	<b>\$31,402,369</b>	<b>(\$1,467,279)</b>	<b>\$29,935,090</b>
Less special funds	<u>17,279,464</u>	<u>(1,333,361)</u>	<u>15,946,103</u>
General fund	\$14,122,905	(\$133,918)	\$13,988,987
FTE	167.50	(7.00)	160.50

Detail of Senate changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	DELAY MARKET SALARY ADJUSTMENTS TO 1/1/2001	ADD ARREST AND RETURN OF FUGITIVES FUNDING	CHANGE FUNDING SOURCE FOR INFO TECH STAFF 4	ADD SPECIAL FUND REVENUE 5
Salaries and wages	(\$184,499)	\$41,914	(\$3,524) <sup>1</sup>			
Operating expenses						
Equipment						
Grants						
Litigation fees						
Gaming Commission						
Racing Commission	(2,629)	570	(20,422) <sup>2</sup>			
Nat. criminal history improve. project	(2,791)	1,140				
Law enforcement programs	(2,134)	570				
High-intensity drug trafficking area	(12,966)	3,421				
Arrest and return of fugitives				\$10,000 <sup>3</sup>		
<b>Total all funds</b>	<b>(\$205,019)</b>	<b>\$47,615</b>	<b>(\$23,946)</b>	<b>\$10,000</b>	<b>\$0</b>	<b>\$0</b>
Less special funds	<u>(26,492)</u>	<u>7,360</u>			<u>(250,600)</u>	<u>251,200</u>
General fund	(\$178,527)	\$40,255	(\$23,946)	\$10,000	\$250,600	(\$251,200)
FTE	0.00	0.00	0.00	0.00	0.00	0.00
	REDUCE NATIONAL INSTANT CHECK SYSTEM FUNDING	REDUCE HIGH INTENSITY DRUG TRAFFICKING AREA FUNDING	ADD FUNDING FOR BCI BULLET-PROOF VESTS	TOTAL SENATE CHANGES		
Salaries and wages				(\$146,109)		
Operating expenses			\$18,900	18,900		
Equipment						
Grants						
Litigation fees						
Gaming Commission						
Racing Commission				(22,481)		
Nat. criminal history improve. project	(\$182,616) <sup>6</sup>			(184,267)		
Law enforcement programs				(1,564)		
High-intensity drug trafficking area		(\$1,132,213) <sup>7</sup>		(1,141,758)		

trafficking area				
Arrest and return of fugitives				10,000
Total all funds	(\$182,616)	(\$1,132,213)	\$18,900	(\$1,467,279)
Less special funds	<u>(182,616)</u>	<u>(1,132,213)</u>		<u>(1,333,361)</u>
General fund	\$0	\$0	\$18,900	(\$133,918)
FTE	(3.00)	(4.00)	0.00	(7.00)

Senate changes narrative:

<sup>1</sup> In addition to the two percent annual salary increases, funding is included to provide the Attorney General a market equity salary increase of \$161.17 per month for the final six months of the biennium. The statutory annual salary for the Attorney General will be:

Current salary	\$64,464
July 1, 1999	\$65,753
July 1, 2000	\$67,068
January 1, 2001	\$69,002

<sup>2</sup> In addition to the two percent annual salary increases, funding is include to provide the Racing Commissioner a market equity salary increase of \$934 per month for the final six months of the biennium.

<sup>3</sup> Adds funding for reimbursing counties for arrest and return of fugitives which was eliminated in the executive budget. A section is added providing that the Attorney General seek Emergency Commission approval for additional funding from the state contingencies appropriation if the \$10,000 provided is not adequate for the 1999-2001 biennium.

<sup>4</sup> Adds general fund support to replace a portion of federal funds which will not be available for information technology staff salaries.

<sup>5</sup> A section is added amending NDCC Section 12-60-16.9 providing that fees charged by the Attorney General's office for conducting background checks for noncriminal justice agencies be deposited in the Attorney General's operating fund rather than the general fund. This change will reduce 1999-2001 estimated general fund revenues by \$248,000.

<sup>6</sup> Reduces federal funds relating to the National Instant Check System because the funds will not be available.

<sup>7</sup> Reduces federal funding for the high-intensity drug trafficking area (HIDTA) program to the level anticipated to be received through June 30, 2001. A section is added making this line item an emergency measure, which will allow the Attorney General to begin spending these federal funds prior to July 1, 1999.

A section is added amending NDCC Section 53-06.1-14 increasing the fee for gaming stamps by 10 cents each, from 25 to 35 cents. Revenues from this source of up to \$36,000 per biennium is deposited in the Attorney General's operating fund. Any additional revenue is deposited in the general fund. The revenues and anticipated expenditures were included in the executive recommendation for the Attorney General but the statutory change was not included in the bill.

Section 3 of the bill is changed to provide that the State Fire Marshal bill the entities insured by the fire and tornado fund for fire marshal services and provide a memorandum billing to the entities not insured by the fire and tornado fund. The bill previously provided that entities not insured by the fire and tornado fund be billed for services and the fire and tornado fund be provided a memorandum billing.

### REPORT OF STANDING COMMITTEE

**SB 2009: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2009 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "3,130,530" with "3,053,452"

Page 1, line 17, replace "506,818" with "502,922"

Page 1, line 18, replace "857,818" with "851,681"

Page 1, line 22, replace "151,841" with "151,516"

Page 1, line 24, replace "554,363" with "553,907"

Page 2, line 2, replace "8,687,471" with "8,599,579"

Page 2, line 3, replace "4,080,342" with "4,068,216"

Page 2, line 4, replace "4,607,129" with "4,531,363"

Page 2, line 8, replace "sixty-four" with "fifty-eight" and replace "one" with "two"

Page 2, line 9, replace "twenty-four" with "sixty-two", after "2000" insert ", fifty-nine thousand four hundred twenty-eight dollars through December 31, 2000", replace "sixty-six" with "sixty-four", after "one" insert "five", and remove the overstrike over "hundred"

Page 2, line 10, replace "forty-seven" with "sixty-nine"

Page 2, after line 10, insert:

**"SECTION 3. ESTIMATED INCOME - ENVIRONMENT AND RANGELAND PROTECTION FUND.** The estimated income line item in section 1 of this Act includes the sum of \$1,860,576, or so much of the sum as may be necessary, from the environment and rangeland protection fund for the purpose of defraying the expenses of various agriculture department programs, for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 4. ESTIMATED INCOME - ANHYDROUS AMMONIA STORAGE INSPECTION FUND.** The estimated income line item in section 1 of this Act includes the sum of \$75,992, or so much of the sum as may be necessary, from the anhydrous ammonia storage inspection fund for the purpose of defraying the expenses of regulating anhydrous ammonia storage facilities, for the biennium beginning July 1, 1999, and ending June 30, 2001."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**DEPARTMENT 602 - AGRICULTURE DEPARTMENT**

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$3,130,530	(\$77,078)	\$3,053,452
Operating expenses	828,957		828,957
Equipment	22,900		22,900
Grants	161,700		161,700
Board of Animal Health	506,818	(3,896)	502,922
Ag mediation	857,818	(6,137)	851,681
Ag in the classroom	96,000		96,000
Anhydrous ammonia storage	8,154		8,154
Waterbank program	414,000		414,000
Pride of Dakota	151,841	(325)	151,516
Wildlife services	779,694		779,694
Safe send	554,363	(456)	553,907
Noxious weeds	<u>1,174,696</u>		<u>1,174,696</u>
Total all funds	\$8,687,471	(\$87,892)	\$8,599,579
Less special funds	<u>4,080,342</u>	<u>(12,126)</u>	<u>4,068,216</u>
General fund	\$4,607,129	(\$75,766)	\$4,531,363
FTE	46.00	1.00	47.00

Detail of Senate changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	DELAY MARKET SALARY ADJUSTMENTS TO 1/1/2001	REDUCE PLANT SERVICES PROGRAM	AUTHORIZE BOARD OF ANIMAL HEALTH POSITION	TOTAL SENATE CHANGES
Salaries and wages	(\$39,149)	\$9,978	(\$17,907) <sup>1,2</sup>	(\$30,000) <sup>3</sup>		(\$77,078)
Operating expenses						
Equipment						
Grants						
Board of Animal Health	(4,751)	855				(3,896)
Ag mediation	(8,133)	1,996				(6,137)
Ag in the classroom						
Anhydrous ammonia storage						
Waterbank program						
Pride of Dakota	(468)	143				(325)
Wildlife services						
Safe send	(599)	143				(456)
Noxious weeds						
Total all funds	(\$53,100)	\$13,115	(\$17,907)	(\$30,000)	\$0	(\$87,892)
Less special funds	<u>(16,727)</u>	<u>4,601</u>				<u>(12,126)</u>
General fund	(\$36,373)	\$8,514	(\$17,907)	(\$30,000)	\$0	(\$75,766)
FTE	0.00	0.00	0.00	0.00	1.00 <sup>4</sup>	1.00

Senate changes narrative:

<sup>1</sup> In addition to the two percent annual salary increases, funding is included to provide the commissioner a market equity salary increase of \$428.42 per month for the final six months of the biennium. The statutory annual salary for the commissioner will be:

Current salary	\$57,120
July 1, 1999	\$58,262
July 1, 2000	\$59,428
January 1, 2001	\$64,569

<sup>2</sup> In addition to the two percent annual salary increases, funding is included to provide the deputy commissioner a market equity salary increase of \$390.58 per month for the final six months of the biennium.

<sup>3</sup> Reduces funding for temporary and overtime salaries of the plant services program.

<sup>4</sup> Authorizes one FTE position for the Board of Animal Health. No additional funding is added for the position.

Sections are added identifying the amounts being appropriated to the Agriculture Department from the environment and rangeland protection fund and the anhydrous ammonia storage inspection fund.

#### REPORT OF STANDING COMMITTEE

**SB 2013: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2013 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the second "and"

Page 1, line 5, after "instruction" insert "; to repeal section 2 of Senate Bill No. 2381, as enacted by the fifty-sixth legislative assembly; and to declare an emergency"

Page 1, line 16, replace "11,825,653" with "11,706,777"

Page 1, line 17, replace "10,457,032" with "10,107,032"

Page 1, line 19, replace "475,906,259" with "481,006,259"

Page 1, line 23, replace "132,007,469" with "132,695,566"

Page 2, line 2, replace "398,000" with "20,000"

Page 2, line 3, replace "733,010,335" with "737,951,556"

Page 2, line 4, replace "193,694,209" with "199,247,247"

Page 2, line 5, replace "539,316,126" with "538,704,309"

Page 2, line 8, replace "1,968,936" with "1,953,203"

Page 2, line 12, replace "4,572,463" with "4,556,730"

Page 2, line 13, replace "1,594,268" with "1,593,819"

Page 2, line 14, replace "2,978,195" with "2,962,911"

Page 2, line 17, replace "4,347,330" with "4,275,930"

Page 2, line 19, replace "39,224" with "74,824"

Page 2, line 21, replace "5,538,339" with "5,502,539"

Page 2, line 22, replace "658,177" with "657,369"

Page 2, line 23, replace "4,880,162" with "4,845,170"

Page 2, line 26, replace "2,415,801" with "2,391,456"

Page 2, line 30, replace "3,216,150" with "3,191,805"

Page 3, line 1, replace "2,352,750" with "2,328,405"

Page 3, line 2, replace "549,527,233" with "548,840,795"

Page 3, line 3, replace "196,810,054" with "202,361,835"

Page 3, line 4, replace "746,337,287" with "751,202,630"

Page 3, line 12, remove "**LEGISLATIVE INTENT -**"

Page 3, line 18, remove "**LEGISLATIVE INTENT -**" and remove "It is the"

Page 3, remove lines 19 and 20

Page 3, line 21, replace "line items" with "The national board certification line item" and after "Act" insert "must"

Page 3, line 22, remove "for the implementation of the"

Page 3, line 23, replace "national board certification program" with "to pay one-half of the application fee required to be remitted to the national board for professional teaching standards for each applicant from this state taking the national board examination"

Page 3, line 24, remove "**LEGISLATIVE INTENT -**"

Page 3, line 25, replace "It is the intent of the legislative assembly that the amount included in the" with "The"

Page 3, line 26, after "Act" insert "must"

Page 3, line 27, after "million" insert "five hundred thousand"

Page 3, line 28, after "disabilities" insert "and for boarding care reimbursements"

Page 4, line 14, remove "**LEGISLATIVE INTENT -**" and remove "It is the intent of the"

Page 4, line 15, replace "legislative assembly that the funds appropriated" with "The grants - other grants line item" and replace "include" with "includes"

Page 4, line 16, replace "six million dollars" with "\$1,000,000 from the state general fund"

Page 4, line 19, replace "funds" with "amount" and after "appropriated" insert "from the state general fund"

Page 4, after line 21, insert:

**"SECTION 7. LEGISLATIVE INTENT - TECHNOLOGY GRANTS - SCHOOL DISTRICT USE.** It is the intent of the fifty-sixth legislative assembly that school districts use the funds distributed pursuant to section 6 of this Act to facilitate communications with the department of public instruction by providing internet connectivity for the administrative office of each school and each school district before the funds are used for any other purpose."

Page 4, replace lines 23 through 25 with "The grants - foundation aid and transportation line item in subdivision 1 of section 1 of this Act includes up to \$400,000 from the state general fund which, pursuant to section 15-40.1-07.7, must be distributed to school districts educating limited English proficient students."

Page 5, line 9, replace "must" with "may"

Page 5, line 10, replace "department of public instruction appropriation" with "operating expenses line item"

Page 5, line 11, remove "contained" and after "Laws" insert "includes up to \$70,400 from the state general fund which"

Page 5, line 12, remove "for up to an amount of \$70,400, and any unexpended"

Page 5, line 13, replace "funds from this appropriation are available" with "and may be used"

Page 5, after line 14, insert:

**"SECTION 14. RED RIVER VALLEY WRITING PROJECT.** The operating expenses line item in subdivision 1 of section 1 of this Act includes \$10,000 from the state general fund which must be used to support the Red River Valley writing project.

**SECTION 15. FUNDING FOR LEADERSHIP IN EDUCATIONAL ADMINISTRATION DEVELOPMENT CONSORTIUM AND TEACHER CENTER NETWORK.** The grants - other grants line item in subdivision 1 of section 1 of this Act includes \$200,000 from the state general fund for grants to the leadership in educational administration development consortium and \$210,000 from the state general fund for grants to the teacher center network.

**SECTION 16. LEGISLATIVE INTENT - LEADERSHIP IN EDUCATIONAL ADMINISTRATION DEVELOPMENT CONSORTIUM AND TEACHER CENTER NETWORK - COOPERATIVE PROGRAMS.** It is the intent of the fifty-sixth legislative assembly that to the extent possible, the leadership in educational administration development consortium and the teacher center network work cooperatively to improve the development and delivery of programs and services to educational administrators and teachers.

**SECTION 17. LEGISLATIVE INTENT - ELECTRONIC ACCESS TO DEPARTMENT OF PUBLIC INSTRUCTION PUBLICATIONS - SCHOOL DISTRICT ELECTRONIC REPORTING.** It is the intent of the fifty-sixth legislative assembly that to reduce printing and mailing costs incurred by the department of public instruction and to provide additional access to information, by July 1, 2000, the department shall, to the extent possible, provide electronic access to all publications and other documents produced by the department for distribution to school districts and shall reduce the number of publications and documents printed and distributed by mail. It is the intent of the fifty-sixth legislative assembly that to reduce mailing costs incurred by school districts and to increase the efficiency of communications between school districts and the department of public instruction, by July 1, 2001, school districts shall, to the extent possible, electronically prepare and transfer all reports and information required to be submitted to the department of public instruction."

Page 5, line 19, replace "sixty-seven" with "fifty-nine", replace "two" with "four", and replace "twenty-six" with "thirty-seven"

Page 5, line 20, after "2000" insert ", sixty thousand six hundred twenty-six dollars through December 31, 2000", replace "sixty-nine" with "sixty-seven", and overstrike "two" and insert immediately thereafter "six"

Page 5, line 21, replace "forty-three" with "nineteen"

Page 5, line 29, replace "sixty-seven" with "fifty-nine", overstrike "two" and insert immediately thereafter "four", and replace "twenty-six" with "thirty-seven"

Page 5, line 30, after the second underscored comma insert "sixty thousand six hundred twenty-six dollars through December 31, 2000.", replace "sixty-nine" with "sixty-seven", replace "two" with "six", and replace "forty-three" with "nineteen"

Page 5, after line 31, insert:

**"SECTION 20. REPEAL.** Section 2 of Senate Bill No. 2381, as enacted by the fifty-sixth legislative assembly, is repealed.

**SECTION 21. EMERGENCY.** The capital improvements line item in subdivision 3 of section 1 of this Act includes \$100,000 from the state general fund for the construction of an independent living cottage which is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 201 - DEPARTMENT OF PUBLIC INSTRUCTION

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$11,825,653	(\$118,876)	\$11,706,777
Operating expenses	10,457,032	(350,000)	10,107,032
Equipment	591,036		591,036
Grants - Foundation aid and transportation	475,906,259	5,100,000	481,006,259
Grants - Revenue supplement	3,100,000		3,100,000
Grants - Tuition apportionment	53,528,217		53,528,217
Grants - Special education	44,600,000		44,600,000
Grants - Other grants	132,007,469	688,097	132,695,566
Geographic education	50,000		50,000
SENDIT network	546,669		546,669
National board certification	398,000	(378,000)	20,000
Total all funds	\$733,010,335	\$4,941,221	\$737,951,556
Less special funds	<u>193,694,209</u>	<u>5,553,038</u>	<u>199,247,247</u>
General fund	\$539,316,126	(\$611,817)	\$538,704,309

FTE 137.95 0.00 137.95

Detail of Senate changes to the executive budget includes:

	DELAY SALARY MARKET INCREASE FOR SUPT. TO 1/1/01	ADD FUNDING FOR SALARY MARKET INCREASE FOR DEPUTY SUPT. ON 1/1/01	REDUCE COMPENSATION PACKAGE TO 2/2	INCREASE HEALTH INSURANCE COST	REDUCE FUNDING FOR TEACHER CERTIFICATION, REMOVE FUNDING FOR NAEP TESTING	REDUCE FUNDING FOR INDEPENDENT STUDY COURSE DEVELOPMENT AND CTBS TESTING
Salaries and wages	(\$12,742)	\$2,676	(\$149,297)	\$40,487		
Operating expenses					(\$260,000)	(\$130,000)
Equipment						
Grants - Foundation aid and transportation						
Grants - Revenue supplement						
Grants - Tuition apportionment						
Grants - Special education						
Grants - Other grants						
Geographic education						
SENDIT network						
National board certification					(378,000)	
<b>Total all funds</b>	<b>(\$12,742)</b>	<b>\$2,676</b>	<b>(\$149,297)</b>	<b>\$40,487</b>	<b>(\$658,000)</b>	<b>(\$130,000)</b>
Less special funds			(99,160)	29,101		
<b>General fund</b>	<b>(\$12,742)</b>	<b>\$2,676</b>	<b>(\$50,137)</b>	<b>\$11,386</b>	<b>(\$658,000)</b>	<b>(\$130,000)</b>

  

	ADD FUNDING FOR GRANTS TO LEAD AND TEACHER CENTERS	TRANSFER TELECOMMUNICATIONS GRANTS TO FOUNDATION AID	ADD FUNDING FOR DUES TO EDUCATION COMMISSION OF THE STATES	ADD FEDERAL FUNDS FOR CLASS SIZE REDUCTION GRANTS	INCREASE FOUNDATION AID FOR PAYMENTS FOR LEP STUDENTS	TOTAL SENATE CHANGES
Salaries and wages						(\$118,876)
Operating expenses			\$40,000			(350,000)
Equipment						
Grants - Foundation aid and transportation		\$5,000,000			\$100,000	5,100,000
Grants - Revenue supplement						
Grants - Tuition apportionment						
Grants - Special education						
Grants - Other grants	\$65,000	(5,000,000)		\$5,623,097		688,097
Geographic education						
SENDIT network						
National board certification						(378,000)
<b>Total all funds</b>	<b>\$65,000</b>	<b>\$0</b>	<b>\$40,000</b>	<b>\$5,623,097</b>	<b>\$100,000</b>	<b>\$4,941,221</b>
Less special funds				5,623,097		5,553,038
<b>General fund</b>	<b>\$65,000</b>	<b>\$0</b>	<b>\$40,000</b>	<b>\$0</b>	<b>\$100,000</b>	<b>(\$611,817)</b>

Senate changes narrative:

This amendment makes the following changes:

Delays until January 1, 2001, implementation of a salary market increase for the Superintendent of Public Instruction. The statutory salary of the superintendent will be:

Current salary	\$58,272
July 1, 1999	\$59,437
July 1, 2000	\$60,626
January 1, 2001	\$67,619

Provides a salary market increase for the deputy superintendent, effective January 1, 2001. The salary adjustment will provide an increase of approximately \$382 per month for the last six months of the biennium.

Reduces salary increases to two percent in July 1999 and two percent in July 2000.

Increases the salaries and wages line item to reflect increased health insurance costs.

Reduces funding for the teacher certification program from \$938,000 to \$20,000 and removes \$260,000 included in the executive budget for national assessment of educational progress (NAEP) testing.

Removes \$120,000 from the operating expenses line item for the development of kindergarten through grade four courses at the Division of Independent Study.

Reduces by \$10,000, from \$450,000 to \$440,000, funding for continuing the statewide administration of standardized achievement and ability tests, including the comprehensive tests of basic skills (CTBS).

Adds \$65,000 for grants to the Leadership in Educational Administration Development (LEAD) consortium and the Teacher Center Network. This amendment also adds Section 15, which provides that the department's appropriation includes \$200,000 for grants to the LEAD consortium and \$210,000 for grants to the Teacher Center Network.

Reduces general fund technology grants to be distributed by the Educational Telecommunications Council from \$6 million to \$1 million and increases foundation aid by \$5 million. This increase will provide \$2 million for payments to school districts with declining enrollment and \$3 million for additional payments to school districts based on average daily membership (ADM). This \$5 million is also appropriated in Senate Bill No. 2162, which provides the distribution formula for the grants. The \$3 million (\$1.5 million per year), provided for payments to districts on the basis of ADM, will provide payments of approximately \$13 per ADM student.

Adds \$40,000 for dues to the Education Commission of the States.

Adds \$5.6 million of federal funds spending authority for federal funds anticipated to be available for grants to schools to reduce class size.

Increases foundation aid by \$100,000 for payments to school districts educating limited English proficient students. The total amount included in the foundation aid line item for these payments is \$400,000. This amendment also adds Section 20, which repeals Section 2 of Senate Bill No. 2381, which also provided an appropriation of \$400,000 for these payments. Based on statutory changes provided by Section 1 of Senate Bill No. 2381, the total cost of the payments for the 1999-2001 biennium is estimated to be \$400,000.

Increases from \$10 to \$10.5 million the amount of the special education appropriation to be used to reimburse school districts for excess costs relating to contracts for students with disabilities.

Adds Section 7, which provides legislative intent that a portion of general fund grants distributed by the Educational Telecommunications Council be used to provide Internet connectivity to school and school district administrative offices.

Adds Section 14, which provides that \$10,000 appropriated to the department for operating expenses must be used to fund the Red River Valley writing project.

Adds Section 16, which provides legislative intent that the LEAD consortium and the Teacher Center Network work cooperatively to develop programs and deliver services.

Adds Section 17, which provides legislative intent that, to the extent possible, the department provide electronic access to its publications by July 1, 2000, and, to the extent possible, school districts electronically submit reports to the department by July 1, 2001.

#### DEPARTMENT 250 - STATE LIBRARY

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$1,968,936	(\$15,733)	\$1,953,203
Operating expenses	1,109,782		1,109,782
Equipment	40,000		40,000
Grants	<u>1,453,745</u>		<u>1,453,745</u>
Total all funds	\$4,572,463	(\$15,733)	\$4,556,730
Less special funds	<u>1,594,268</u>	<u>(449)</u>	<u>1,593,819</u>
General fund	\$2,978,195	(\$15,284)	\$2,962,911
FTE	29.00	0.00	29.00

Detail of Senate changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	INCREASE HEALTH INSURANCE COST	TOTAL SENATE CHANGES
Salaries and wages	(\$24,286)	\$8,553	(\$15,733)
Operating expenses			
Equipment			
Grants			
Total all funds	(\$24,286)	\$8,553	(\$15,733)
Less special funds	<u>(734)</u>	<u>285</u>	<u>(449)</u>
General fund	(\$23,552)	\$8,268	(\$15,284)

Senate changes narrative:

This amendment makes the following changes:

Reduces salary increases to two percent in July 1999 and two percent in July 2000.

Increases the salaries and wages line item to reflect increased health insurance costs.

#### DEPARTMENT 252 - SCHOOL FOR THE DEAF

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$4,347,330	(\$71,400)	\$4,275,930
Operating expenses	1,015,458		1,015,458
Equipment	39,224	35,600	74,824
Capital improvements	<u>136,327</u>		<u>136,327</u>
Total all funds	\$5,538,339	(\$35,800)	\$5,502,539
Less special funds	<u>658,177</u>	<u>(808)</u>	<u>657,369</u>
General fund	\$4,880,162	(\$34,992)	\$4,845,170
FTE	53.93	0.00	53.93

Detail of Senate changes to the executive budget includes:

	TRANSFER FROM SALARIES TO EQUIPMENT	REDUCE COMPENSATION PACKAGE TO 2/2	INCREASE HEALTH INSURANCE COST	TOTAL SENATE CHANGES
Salaries and wages	(\$35,600)	(\$52,907)	\$17,107	(\$71,400)
Operating expenses				
Equipment	35,600			35,600
Capital improvements				
Total all funds	\$0	(\$52,907)	\$17,107	(\$35,800)
Less special funds		(1,093)	285	(808)
General fund	\$0	(\$51,814)	\$16,822	(\$34,992)

Senate changes narrative:

This amendment makes the following changes:

Transfers \$35,600 from salaries and wages to equipment to reduce temporary salaries and provide funding for technology-related equipment.

Reduces salary increases to two percent in July 1999 and two percent in July 2000.

Increases the salaries and wages line item to reflect increased health insurance costs.

Adds Section 21, which provides that the \$100,000 appropriation for construction of an independent living cottage is an emergency measure.

DEPARTMENT 253 - SCHOOL FOR THE BLIND

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$2,415,801	(\$24,345)	\$2,391,456
Operating expenses	678,059		678,059
Equipment	70,500		70,500
Capital improvements	51,790		51,790
Total all funds	\$3,216,150	(\$24,345)	\$3,191,805
Less special funds	863,400		863,400
General fund	\$2,352,750	(\$24,345)	\$2,328,405
FTE	28.00	0.00	28.00

Detail of Senate changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	INCREASE HEALTH INSURANCE COST	TOTAL SENATE CHANGES
Salaries and wages	(\$32,328)	\$7,983	(\$24,345)
Operating expenses			
Equipment			
Capital improvements			
Total all funds	(\$32,328)	\$7,983	(\$24,345)
Less special funds			
General fund	(\$32,328)	\$7,983	(\$24,345)

Senate changes narrative:

This amendment makes the following changes:

Reduces salary increases to two percent in July 1999 and two percent in July 2000.

Increases the salaries and wages line item to reflect increased health insurance costs.

**REPORT OF STANDING COMMITTEE**

**SB 2015: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SB 2015 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide an appropriation for defraying the expenses of the department of human services;"

Page 1, line 8, after the semicolon insert "and"

Page 1, line 9, remove "; and to provide an"

Page 1, line 10, remove "effective date"

Page 1, line 20, replace "3,086,844" with "3,082,026"

Page 1, line 21, replace "3,998,308" with "3,875,828"

Page 1, line 22, replace "8,203,213" with "8,174,694"

Page 1, line 23, replace "1,226,846" with "1,212,300"

Page 1, line 24, replace "42,055,293" with "42,035,197"

Page 2, line 1, replace "964,173" with "959,911"

Page 2, line 3, replace "64,934,677" with "64,739,956"

Page 2, line 4, replace "46,105,926" with "46,088,243"

Page 2, line 5, replace "18,828,751" with "18,651,713"

Page 2, line 8, replace "46,282,960" with "45,709,295"

Page 2, line 9, replace "all" with "special", after "funds" insert "appropriation", and replace "46,282,960" with "45,709,295"

Page 2, remove lines 10 and 11

Page 2, line 14, replace "5,472,106" with "5,454,471"

Page 2, line 15, replace "5,472,106" with "5,454,471"

Page 2, line 16, replace "4,787,636" with "4,774,332"

Page 2, line 17, replace "684,470" with "680,139"

Page 2, line 20, replace "2,490,772" with "2,468,120"

Page 2, line 21, replace "1,745,580" with "1,788,580"

Page 2, line 23, replace "4,396,352" with "4,416,700"

Page 2, line 25, replace "3,881,362" with "3,901,710"

Page 2, line 26, replace "23,594,583" with "23,283,562"

Page 2, line 27, replace "97,491,512" with "97,136,860"

Page 2, line 28, replace "121,086,095" with "120,420,422"

Page 2, after line 28, insert:

**"SECTION 2. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES.**

There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be necessary, and federal funds of \$50,000 to the department of human services for the purpose of providing network technical support to county social service boards, for the biennium beginning July 1, 1999, and ending June 30, 2001."

Page 3, line 21, replace "\$1,000,000" with "\$950,000"

Page 4, line 20, replace "3.0" with "2.0"

Page 4, line 27, replace "\$581,348" with "\$971,035"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Administration	\$3,086,844	(\$4,818)	\$3,082,026
Fiscal management	3,998,308	(122,480)	3,875,828
Facility management	8,203,213	(28,519)	8,174,694
Central personnel	1,226,846	(14,546)	1,212,300
Intergovernmental assistance	42,055,293	(20,096)	42,035,197
Risk management	964,173	(4,262)	959,911
Statewide compensation plan	<u>5,400,000</u>		<u>5,400,000</u>
Total all funds	\$64,934,677	(\$194,721)	\$64,739,956
Less special funds	<u>46,105,926</u>	<u>(17,683)</u>	<u>46,088,243</u>
General fund	\$18,828,751	(\$177,038)	\$18,651,713
FTE	122.00	(1.00)	121.00

Detail of Senate changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	DELAY MARKET SALARY ADJUSTMENT TO JANUARY 1, 2001	REMOVE VACANT ASSISTANT EXECUTIVE BUDGET ANALYST FTE	TOTAL SENATE CHANGES
Administration	(\$5,673)	\$855			(\$4,818)
Fiscal management	(25,898)	4,847		(\$101,429)	(122,480)
Facility management	(47,052)	18,533			(28,519)
Central personnel	(14,369)	3,136	(\$3,313)		(14,546)
Intergovernmental assistance	(26,084)	5,988			(20,096)
Risk management	(5,687)	1,425			(4,262)
Statewide compensation plan					
Total all funds	(\$124,763)	\$34,784	(\$3,313)	(\$101,429)	(\$194,721)
Less special funds	<u>(23,183)</u>	<u>5,500</u>			<u>(17,683)</u>
General fund	(\$101,580)	\$29,284	(\$3,313)	(\$101,429)	(\$177,038)
FTE	0.00	0.00	0.00	(1.00)	(1.00)

Senate changes narrative:

In addition to the two percent annual salary increases, funding is included to provide the Central Personnel director with a market equity salary increase of \$151.50 per month for the final six months of the biennium.

This amendment also reduces the fiscal management division's carryover from the 1997-99 biennium by \$50,000, from \$1,000,000 to \$950,000.

DEPARTMENT 112 - INFORMATION SERVICES DIVISION

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Information resource management	<u>\$46,282,960</u>	<u>(\$573,665)</u>	<u>\$45,709,295</u>
Total all funds	\$46,282,960	(\$573,665)	\$45,709,295
Less special funds	<u>46,082,960</u>	<u>(373,665)</u>	<u>45,709,295</u>
General fund	\$200,000	(\$200,000)	\$0
FTE	170.00	(2.00)	168.00

Detail of Senate changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	REMOVE TWO NEW FTE POSITIONS RELATED TO DHS FOOD STAMP PROGRAMMING	REMOVE GENERAL FUND MONEYS PROVIDED FOR A FEASIBILITY STUDY	TOTAL SENATE CHANGES
Information resource management	(\$232,830)	\$48,470	(\$189,305)	(\$200,000)	(\$573,665)
Total all funds	(\$232,830)	\$48,470	(\$189,305)	(\$200,000)	(\$573,665)
Less special funds	<u>(232,830)</u>	<u>48,470</u>	<u>(189,305)</u>		<u>(373,665)</u>
General fund	\$0	\$0	\$0	(\$200,000)	(\$200,000)
FTE	0.00	0.00	(2.00)	0.00	(2.00)

DEPARTMENT 118 - CENTRAL SERVICES

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Central Services	<u>\$5,472,106</u>	<u>(\$17,635)</u>	<u>\$5,454,471</u>
Total all funds	\$5,472,106	(\$17,635)	\$5,454,471
Less special funds	<u>4,787,636</u>	<u>(13,304)</u>	<u>4,774,332</u>

General fund	\$684,470	(\$4,331)	\$680,139
FTE	30.00	0.00	30.00

Detail of Senate changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	TOTAL SENATE CHANGES
Central Services	<u>(\$26,188)</u>	<u>\$8,553</u>	<u>(\$17,635)</u>
Total all funds	(\$26,188)	\$8,553	(\$17,635)
Less special funds	<u>(20,346)</u>	<u>7,042</u>	<u>(13,304)</u>
General fund	(\$5,842)	\$1,511	(\$4,331)
FTE	0.00	0.00	0.00

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

SENATE - This amendment adds a section providing an appropriation of \$100,000, \$50,000 from the general fund and \$50,000 of special funds, to the Department of Human Services for the purpose of providing network technical support to county social service boards.

DEPARTMENT 506 - STATE RADIO COMMUNICATIONS

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$2,490,772	(\$22,652)	\$2,468,120
Operating expenses	1,745,580	43,000	1,788,580
Equipment	<u>160,000</u>		<u>160,000</u>
Total all funds	\$4,396,352	\$20,348	\$4,416,700
Less special funds	<u>514,990</u>	<u>0</u>	<u>514,990</u>
General fund	\$3,881,362	\$20,348	\$3,901,710
FTE	31.00	0.00	31.00

Detail of Senate changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	INCREASE OPERATING EXPENSES FOR INCREASED TELEPHONE COSTS	TOTAL SENATE CHANGES
Salaries and wages	(\$31,205)	\$8,553		(\$22,652)
Operating expenses			\$43,000	43,000
Equipment				
Total all funds	(\$31,205)	\$8,553	\$43,000	\$20,348
Less special funds				
General fund	(\$31,205)	\$8,553	\$43,000	\$20,348
FTE	0.00	0.00	0.00	0.00

**REPORT OF STANDING COMMITTEE**

**SB 2023: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2023 was placed on the Sixth order on the calendar.

Page 1, line 2, after the first semicolon insert "and" and replace "payments in lieu of taxes; and to provide for deposits into the" with "a study by the state engineer of the feasibility and desirability of constructing dams and other impoundments in the Pembina River watershed"

Page 1, line 3, remove "resources trust fund"

Page 1, line 11, replace "8,128,141" with "8,048,657"

Page 1, line 17, replace "54,798,753" with "54,719,269"

Page 1, line 18, replace "45,446,368" with "45,435,921"

Page 1, line 19, replace "9,352,385" with "9,283,348"

Page 2, replace lines 12 through 19 with:

**"SECTION 6. STATE ENGINEER TO STUDY FEASIBILITY AND DESIRABILITY OF CONSTRUCTING DAMS AND OTHER IMPOUNDMENTS IN THE PEMBINA RIVER WATERSHED.** The legislative assembly finds that floodwater in recent years has inundated parts of the cities of Neche and Pembina, and thousands of acres of farmland along the Pembina River in Pembina County. Construction of flood control dams and other impoundments in the Pembina River watershed in the United States and Canada may reduce flows on the Pembina River that may result in less severe flooding of the cities and farmland along the lower reaches of the Pembina River. Therefore, within the limits of available funds, the state engineer shall conduct a comprehensive study of the feasibility and desirability of constructing dams and other impoundments in the Pembina River watershed for the purpose of reducing flows in the lower reaches of the Pembina River. The state engineer shall submit a report to an appropriate interim committee designated by the legislative council."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 770 - STATE WATER COMMISSION

Senate - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$8,128,141	(\$79,484)	\$8,048,657
Operating expenses	6,050,687		6,050,687
Equipment	160,656		160,656
Capital improvements	23,624,024		23,624,024
Grants	13,785,245		13,785,245
Cooperative research	<u>3,050,000</u>		<u>3,050,000</u>
Total all funds	\$54,798,753	(\$79,484)	\$54,719,269
Less special funds	<u>45,446,368</u>	<u>(10,447)</u>	<u>45,435,921</u>
General fund	\$9,352,385	(\$69,037)	\$9,283,348
FTE	82.00	0.00	82.00

Detail of Senate changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	TOTAL SENATE CHANGES
Salaries and wages	(\$102,863)	\$23,379	(\$79,484)
Operating expenses			
Equipment			
Capital improvements			
Grants			
Cooperative research			
Total all funds	(\$102,863)	\$23,379	(\$79,484)
Less special funds	<u>(13,417)</u>	<u>2,970</u>	<u>(10,447)</u>
General fund	(\$89,446)	\$20,409	(\$69,037)
FTE	0.00	0.00	0.00

Senate changes narrative:

In addition this amendment adds a section requiring the state engineer to study the feasibility and desirability of constructing dams and other impoundments in the Pembina River watershed.

**REPORT OF STANDING COMMITTEE**

**SB 2026: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2026 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to amend and reenact subdivision 3 of section 1 of chapter 45 of the 1997 Session Laws, relating to the department of corrections and rehabilitation appropriation;"

Page 1, line 21, replace "15,100,000" with "13,500,000"

Page 1, line 22, replace "15,100,000" with "13,500,000"

Page 2, line 1, replace "135,000" with "107,000"

Page 2, line 2, replace "135,000" with "107,000"

Page 2, line 5, replace "4,320,341" with "3,898,228"

Page 2, line 6, replace "4,320,341" with "3,898,228"

Page 2, line 9, replace "2,500,000" with "2,250,000"

Page 2, line 10, replace "2,500,000" with "2,250,000"

Page 2, line 12, replace "2,250,000" with "2,000,000"

Page 2, line 13, replace "22,142,447" with "19,842,334"

Page 2, line 15, replace "22,392,447" with "20,092,334"

Page 2, after line 15, insert:

**"SECTION 2. AMENDMENT.** Subdivision 3 of section 1 of chapter 45 of the 1997 Session Laws is amended and reenacted as follows:

Subdivision 3.

ADULT SERVICES

Salaries and wages	<del>\$20,252,555</del>	18,652,555
Operating expenses	<del>8,879,128</del>	10,479,128
Equipment		170,867
Capital improvements		1,010,650
Capital improvements - medium security facility		4,896,425
Institutional medical fees		850,000
Victim services		3,104,399
Institutional offender services		321,991
Community offender services		6,164,499
Total all funds		\$45,650,514
Less estimated income		10,483,117
Total general fund appropriation		\$35,167,397"

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 512 - DIVISION OF EMERGENCY MANAGEMENT

SENATE - This amendment reduces the deficiency appropriation to the Division of Emergency Management by \$1,600,000 from the general fund, from \$15,100,000 to \$13,500,000. The reduction relates to reducing the amount of funding provided for the estimated amount of disaster claims to be closed by June 30, 1999.

DEPARTMENT 540 - ADJUTANT GENERAL

SENATE - This amendment reduces the deficiency appropriation to the Adjutant General by \$28,000 from the general fund, from \$135,000 to \$107,000. The reduction relates to the removal of funds which would have been used to replenish the National Guard's emergency fund.

DEPARTMENT 230 - UNIVERSITY OF NORTH DAKOTA

SENATE - This amendment reduces the deficiency appropriation to the University of North Dakota by \$422,113 from the general fund, from \$4,320,341 to \$3,898,228. The reduction relates to the removal of funding for the cost of obtaining and maintaining flood insurance (\$125,446), refunds on room and board contracts (\$227,956), interest on the Bank of North Dakota loan (\$26,209), labor charges not reimbursed by the Federal Emergency Management Agency (\$39,596), and Energy and Environmental research center projects under \$1,000 (\$2,906).

DEPARTMENT 530 - DEPARTMENT OF CORRECTIONS AND REHABILITATION

SENATE - This amendment reduces the deficiency appropriation to the Department of Corrections and Rehabilitation by \$250,000 from the general fund, from \$2,250,000 to \$2,000,000. The reduction is based on revised estimates of external housing contract costs for the remainder of the biennium.

This amendment also adds a section to amend Subdivision 3 of Section 1 of Chapter 45 of the 1997 Session Laws. The amendment transfers \$1,600,000 from the salaries and wages line item to the operating expenses line item to pay costs incurred to contract with county jails, community placement organizations, and a private prison in Appleton, Minnesota, for the housing of inmates who could not be accommodated in state facilities because the number of inmates exceeded the capacity of the state facilities.

#### REPORT OF STANDING COMMITTEE

**SB 2043: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2043 was placed on the Sixth order on the calendar.

Page 1, line 23, remove "public elementary and secondary"

Page 1, line 24, replace "schools" with "school districts" and after the underscored period insert "With respect to a county, city, or school district, wide area network services are those services necessary to transmit voice, data, or video outside the county, city, or school district."

Page 4, line 8, replace the first "approval" with "review"

Page 4, after line 14, insert:

"4. Determine how the statewide networks can provide network services for the benefit of noncommercial public television stations licensed by the federal communications commission to operate in this state."

Page 4, line 15, replace "4" with "5"

Page 4, line 17, replace "5" with "6", remove "cities and", and after "counties" insert ", cities, and school districts"

Page 4, line 19, replace "6" with "7"

Page 4, line 21, replace "7" with "8"

Page 4, line 24, replace "8" with "9"

Page 4, line 25, replace "9" with "10"

Page 4, line 27, remove "two members of the house of representatives"

Page 4, line 28, remove "and two members of the senate appointed by the chairman of the legislative council:"

Page 4, line 30, replace "seven" with "eight"

Page 5, line 1, replace the second "one member" with "two members"

Page 5, line 5, replace "chairman of the legislative council" with "governor"

Page 5, line 23, replace the first underscored comma with "that desires access to wide area network services and each", remove "public elementary or secondary", and after "school" insert "district"

Page 5, line 24, after the first "services" insert "to transmit voice, data, or video outside that county, city, or school district"

Page 5, line 25, remove "public elementary or secondary" and after "school" insert "district"

Page 5, line 26, after "for" insert "or more appropriate for the specific needs of"

Page 5, line 27, after "school" insert "district"

Page 6, line 30, remove "public"

Page 7, line 19, replace "to the" with "on a major project as requested by"

Page 7, remove lines 20 and 21

Page 7, line 22, remove "reports to"

Page 9, line 2, replace "The" with "Except for a request for access authorized by section 54-10-22.1, the"

Page 9, line 6, after the first "of" insert "this information in"

Page 21, line 11, after the period insert "In addition to any exception available to counties, cities, and school districts under section 9 of this Act, the information technology board may except any entity from the application of section 9 of this Act for periods not to extend beyond June 30, 2001, upon determining that network services cannot be made available under this Act to that entity before July 1, 2001."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2047: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2047 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2121: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2121 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a" with "two" and replace "section" with "sections"

Page 1, line 2, after "contest" insert "and a presidential caucus; to amend and reenact section 16.1-11-02 and subdivision v of subsection 2 of section 28-32-01 of the North Dakota Century Code, relating to the time for holding presidential preference contests and the adoption of rules by the secretary of state; to provide an effective date; and to provide an expiration date"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 16.1-11-02 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-11-02. Presidential preference contest - Time for holding.** In a presidential election year after 2003, there must be conducted a presidential preference contest on the last Tuesday in February of that year. The presidential preference contest may be used only to instruct delegates to a national political convention and may not further the electoral process for any other purpose. No other election or vote on a measure of any kind may be held in conjunction with the presidential preference contest."

Page 1, underscore lines 6 through 10

Page 1, after line 10, insert:

**"SECTION 3.** A new section to chapter 16.1-11 of the North Dakota Century Code is created and enacted as follows:

#### **2000 presidential caucus.**

1. On one designated day between the last Tuesday in February and the first Tuesday in March in the year 2000, every political party entitled to a separate column under section 16.1-11-30 may conduct a presidential preference caucus. If employed by a political party, the results of a presidential preference caucus must be used to instruct delegates to a national political convention.
2. A presidential preference caucus must be conducted in the manner provided in chapter 16.1-03 with the exception that a political party is not required to hold individual caucuses in every election precinct throughout a district. Only those persons who either voted or affiliated with the party at the last general election or intend to vote or affiliate with the party at the

next general election may participate and vote at the presidential preference caucus.

3. Unless specifically forbidden by national party rules, the delegates selected by political parties at a presidential preference caucus are bound to cast their first ballots at the party national convention in such a manner that each candidate at the party's presidential preference caucus receives a proportion of the total votes cast by the delegates equal to the proportion received by that candidate of the total votes cast for all candidates for president of that party at the caucus. If party rules do not allow apportionment of a delegate and such an apportionment appears necessary because no candidate received more than five-tenths of a delegate, in computing the number of delegates to which a candidate is entitled on the first ballot that delegate must be assigned to the candidate receiving the highest number of votes in the contest. If a candidate withdraws before the first ballot voting begins, delegates obligated to vote for that candidate on the first ballot are released from that obligation.
4. A presidential preference contest, as provided for in chapter 16.1-11, may not be conducted in the year 2000 nor is a political party entitled to conduct a presidential preference contest in the year 2000. A political party must notify the secretary of state before August 1, 1999, if the political party will conduct a presidential preference caucus in the year 2000 according to this section.

**SECTION 4. AMENDMENT.** Subdivision v of subsection 2 of section 28-32-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- v. The secretary of state with respect to rules adopted for the presidential preference contest under section ~~16.1-11-02.2~~ 2 of this Act.

**SECTION 5. EFFECTIVE DATE.** Sections 2 and 4 of this Act become effective on January 1, 2003.

**SECTION 6. EXPIRATION DATE.** Section 3 of this Act is effective through April 1, 2000, and after that date is ineffective."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2254: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2254 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2264: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2264 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections 55-02-07 and" with "section"

Page 1, remove lines 5 through 24

Page 2, line 4, remove the overstrike over "~~Prohibitions~~"

Page 2, line 12, remove the overstrike over "~~obtaining the~~"

Page 2, line 13, remove the overstrike over "~~prior approval thereof from~~" and remove "notifying"

Page 2, line 14, remove the overstrike over "~~upon authorization of the state historical board~~"

Page 2, line 17, remove the overstrike over "~~before~~" and remove ". However,"

Page 2, line 18, remove the overstrike over "~~approves such~~", remove "may not prohibit the", and remove "of a state historic"

Page 2, remove line 19

Page 2, line 20, remove "subsection 1"

Page 4, line 11, remove the overstrike over "~~6.—f~~" and insert immediately thereafter "any state agency or department or" and remove the overstrike over "~~a city, county, school district, or other political subdivision objects to any decision~~"

Page 4, remove the overstrike over line 12

Page 4, line 13, remove the overstrike over "~~state historical sites registry,~~", after "subdivision" insert "the objecting party", and remove the overstrike over "~~may submit the objection to~~"

Page 4, remove the overstrike over line 14

Page 4, line 15, remove the overstrike over "~~either the board or~~", after the first "subdivision" insert "the objecting party", remove the overstrike over "~~if the board or the~~", and after the second "subdivision" insert "objecting party"

Page 4, remove the overstrike over lines 16 through 20

Page 4, line 21, after "Such" insert "The", remove the overstrike over "~~demand must be~~" and insert immediately thereafter "made within ninety days of a decision by the board. The demand must be", and remove the overstrike over "~~served upon the other party, which, within ten days, shall~~"

Page 4, remove the overstrike over lines 22 through 31

Page 5, line 1, after the first "such" insert "the", remove the overstrike over "~~district court for the appointment of~~", after the second "such" insert "the", and remove the overstrike over "~~seventh arbitrator. The political~~"

Page 5, remove the overstrike over lines 2 through 4

Page 5, line 5, remove the overstrike over "~~combination thereof.~~" and insert immediately thereafter "A state agency may select its arbitrators from its officers or employees." and remove the overstrike over "~~The state historical board may select its arbitrators from~~"

Page 5, remove the overstrike over lines 6 through 16

Page 5, line 17, remove the overstrike over "~~be given in writing to the~~", after "officials" insert "parties", and remove the overstrike over "~~concerned and is binding upon both~~"

Page 5, remove the overstrike over line 18

Page 5, line 19, remove the overstrike over "~~of chapter~~" and after "~~32-29.1~~" insert "32-29.2"

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2304: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2304 was placed on the Sixth order on the calendar.

Page 2, line 7, after the second "taxes" insert "or mobile home taxes"

Page 2, line 8, remove "and occupied"

Page 2, line 9, remove "as a primary residence"

Page 2, line 13, remove "occupied as a primary residence by the taxpayer"

Page 2, after line 17, insert:

"g. "Residential property" means living quarters, including a mobile home, occupied by the taxpayer as a primary residence."

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2307: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2307 was placed on the Sixth order on the calendar.

Page 4, line 11, replace "authorizing" with "between political subdivisions or public safety answering points and commercial mobile service providers which authorize"

Page 4, line 12, replace "This revenue" with "The funds" and after "be" insert "designated for the implementation of enhanced 911 wireless service and allocated by political subdivisions on the basis of actual costs incurred by public safety answering points and commercial mobile radio service providers."

Page 4, remove lines 13 and 14

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

SENATE - This amendment limits the use of 75 percent of the funds collected from the \$1 per month fee on wireless telephone service to the implementation of enhanced 911 wireless service based on actual costs incurred by public safety answering points and commercial mobile radio service providers.

**REPORT OF STANDING COMMITTEE**

**SB 2320: Human Services Committee (Sen. Thane, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2320 was placed on the Sixth order on the calendar.

Page 1, line 3, after "patients" insert "; to provide an effective date; and to provide an expiration date"

Page 1, line 10, replace ", or" with ". This chapter does not permit an agent" and remove "the"

Page 1, line 11, replace "withdrawal" with "withdraw", replace "withholding of" with "withhold", and replace "had" with ";

a. Made"

Page 1, line 12, remove "made", after "hydration" insert an underscored semicolon, and replace "the patient has" with:

"b. Has"

Page 1, line 14, remove "has" and remove "that"

Page 1, line 16, replace the first "or" with an underscored comma and after "harmful" insert an underscored comma

Page 2, line 1, replace "had made" with ";

a. Made"

Page 2, line 2, after "hydration" insert an underscored semicolon and replace "the patient has" with:

"b. Has"

Page 2, line 3, remove "has"

Page 2, line 4, remove "that"

Page 2, line 5, replace the second "or" with an underscored comma

Page 2, line 6, after "harmful" insert an underscored comma

Page 2, after line 6, insert:

**"SECTION 3. EFFECTIVE DATE - EXPIRATION DATE.** This Act applies to every durable power of attorney for health care executed after July 31, 1999. This Act is effective until July 31, 2001, and after that date is ineffective."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2333: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SB 2333 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "**National teacher's examination**" with "**Approved comprehensive assessment**"

Page 1, replace lines 8 through 13 with "a comprehensive assessment approved by the education standards and practices board"

Page 1, line 14, remove "shall deny recertification" and remove "or the first two-year recertification"

Page 1, line 15, replace "national teacher's examination" with "comprehensive assessment"

Page 1, line 18, replace "\$1,000,000" with "\$500,000"

Page 1, line 20, after "awarding" insert "matching"

Page 1, line 23, replace "\$50,000" with "\$25,000"

Page 2, line 2, replace "and" with a comma and after "application" insert ", and the district provides matching funds in an amount equal to that of the grant"

Page 2, line 3, remove "not" and after "for" insert "matching"

Page 2, line 4, replace "unless the application includes specific information regarding" with "only if"

Page 2, line 5, remove "type of" and replace ", how the" with "will improve the teachers' content knowledge and pedagogical skills in the core academic subjects."

Page 2, remove lines 6 through 13

Page 2, after line 18, insert:

**"SECTION 3. APPROPRIATION.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$125,000, or so much of the sum as may be necessary, to the education standards and practices board for the purpose of developing and implementing a program for the approved comprehensive assessment of teachers being initially certified, for the biennium beginning July 1, 1999, and ending June 30, 2001. The education standards and practices board shall compile statistics regarding the performance of applicants for initial certification on the comprehensive assessments required by this Act. The statistics must include the performance of applicants according to the teacher education program from which each graduated."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2341: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2341 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for agricultural education."

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

**SECTION 1. AGRICULTURAL TEACHERS - SUMMER CONTRACTS.** Within its 1999-2001 appropriation, the state board for vocational and technical education shall increase state reimbursement for the summer contracts of agricultural teachers.

**SECTION 2. EXPANDED CURRICULA - ADULT FARM MANAGEMENT PROGRAMS - AGRICULTURAL EXTENSION SERVICE.** Within the 1999-2001 appropriations, the state board for vocational and technical education shall provide funding to cooperate with the state board of higher education to expand the curricula of and participation in the adult farm management program.

**SECTION 3. MATCHING TUITION REBATE PROGRAM.** Within its 1999-2001 appropriation, the state board of higher education shall establish a matching tuition rebate program in cooperation with rural communities.

**SECTION 4. EXPANDED AGRICULTURE IN THE CLASSROOM.** Within its 1999-2001 appropriation, the commissioner of agriculture shall expand agriculture in the classroom and develop criteria that balance agricultural products and environmental concerns.

**SECTION 5. EXPANDED 4-H PROGRAMS.** Within its 1999-2001 appropriation, North Dakota state university shall expand 4-H programs.

**SECTION 6. EXPANDED FUTURE FARMERS OF AMERICA.** Within its 1999-2001 appropriation, the state board for vocational and technical education shall expand future farmers of America programs."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 602 - AGRICULTURE DEPARTMENT

SENATE - This amendment removes the appropriations from the various agriculture program enhancements and provides that the programs be expanded within the agencies' 1999-2001 biennium appropriation levels.

**REPORT OF STANDING COMMITTEE**

**SB 2349: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2349 was placed on the Sixth order on the calendar.

Page 1, line 22, remove the second "or"

Page 2, line 2, after "plaintiff" insert ";

- d. Made a significant or knowing departure from official food and drug administration requirements; or
- e. Acted with conscious disregard for human safety"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2355: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2355 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 11-33-02 and 58-03-11 of the North Dakota Century Code, relating to zoning districts and regulations affecting normal incidents of farming and ranching.

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

**SECTION 1. AMENDMENT.** Section 11-33-02 of the North Dakota Century Code is amended and reenacted as follows:

**11-33-02. Board of county commissioners to designate districts.** For any or all of the purposes designated in section 11-33-01, the board of county commissioners may divide by resolution ~~divide~~ all or any parts of the county, subject to the provisions of section 11-33-20, into districts of such number, shape, and area as may be ~~deemed~~ determined necessary, and ~~may~~ likewise may enact suitable regulations to carry out the purposes of this chapter. These regulations ~~shall~~ must be uniform in each district, but the regulations in one district may differ from those in other districts. ~~No~~ A regulation or restriction, ~~however, shall~~ may not prohibit or prevent the use of land or buildings for farming or ranching or any of the normal incidents of farming or ranching. For purposes of this section, "farming or ranching" means cultivating land for production of agricultural crops or livestock, or raising, feeding, or producing livestock or livestock products, poultry or poultry products, milk or dairy products, or fruit or horticultural products. The term does not include producing timber or forest products, nor does the term include a contract whereby a processor or distributor of farm products or supplies provides grain, harvesting, or other farm services. The provisions of this This chapter ~~shall~~ does not ~~be construed to~~ include any power relating to the establishment, repair, and maintenance of highways or roads.

**SECTION 2. AMENDMENT.** Section 58-03-11 of the North Dakota Century Code is amended and reenacted as follows:

**58-03-11. Establishment of zoning districts - Limitation - Scope of zoning regulations and restrictions.** For the purpose of promoting the health, safety, morals, or the general welfare, or to secure the orderly development of approaches to municipalities, the board of township supervisors may establish one or more zoning districts and within such districts may, subject to the provisions of chapter 54-21.3, regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, the height, number of stories, and size of buildings and structures, the percentage of lot that may be occupied, the size of courts, yards, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes. All such regulations and restrictions must be uniform throughout each district, but the regulations and restrictions in one district may differ from those in other districts. ~~No~~ A regulation or restriction, ~~however,~~ may not prohibit or prevent the use of land or buildings for farming or ranching or any of the normal incidents of farming or ranching. For purposes of this section, "farming or ranching" means cultivating land for production of agricultural crops or livestock, or raising, feeding, or producing livestock or livestock products, poultry or poultry products, milk or dairy products, or fruit or horticultural products. The term does not include producing timber or forest products, nor does the term include a contract whereby a processor or distributor of farm products or supplies provides grain, harvesting, or other farm services. The provisions of sections Sections 58-03-11 through 58-03-15 ~~may do not be construed to~~ include any power relating to the establishment, repair, and maintenance of highways or roads."

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2356: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2356 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a Legislative Council study of the feasibility and desirability of forming a multistate agricultural marketing commission.

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

**SECTION 1. MULTISTATE AGRICULTURE MARKETING COMMISSION - LEGISLATIVE COUNCIL STUDY.** During the 1999-2000 interim, the Legislative Council shall consider studying the feasibility and desirability of forming a multistate agricultural marketing commission for the purpose of marketing agricultural products on behalf of agricultural producers. If conducted, the study must examine which entities

set and control the prices of specific agricultural products, which federal trade policies assist or hinder the marketing of agricultural commodities, which federal and state laws assist or hinder the marketing of agricultural commodities, and which federal and state laws assist or hinder the use of agricultural contracts. If conducted, the study must also examine how this state can work with federal agencies and federal representatives to ensure the best possible climate for the marketing of agricultural products on behalf of North Dakota producers. The Legislative Council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-seventh Legislative Assembly."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2367: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2367 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2413: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2413 was placed on the Sixth order on the calendar.

Page 1, line 4, after the first semicolon insert "and" and replace "; and to provide an" with a period

Page 1, remove line 5

Page 3, line 30, after "law" insert "which are not authorized to be received and investigated by any other state agency"

Page 4, line 10, replace "or" with "and accept gifts and" and after "grants" insert "from any source"

Page 8, remove lines 17 through 29

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2419: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2419 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "The attorney general may not, as a part of court proceedings"

Page 1, remove lines 12 and 13

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2427: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2427 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "majority" with "unanimous"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2433: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2433 was placed on the Sixth order on the calendar.

Page 1, line 2, after "by" insert "certain" and after "corporations" insert "; and to provide a continuing appropriation"

Page 1, line 5, after "**corporation**" insert "**- Continuing appropriation**"

Page 1, line 6, after "corporation" insert "entitled to acquire the property under section 10-06.1-10"

Page 1, line 12, after the period insert "Fees collected by the county treasurer under this section must be transferred to the state treasurer for deposit in a special fund in the state treasury known as the agricultural property preservation fund. The agricultural property preservation fund is available to the agriculture commissioner for agricultural property preservation projects in cooperation with farmers, including projects to abate erosion, conserve or establish wetlands, or other enhancement of the agricultural environment and may be used as matching funds for farmers for such projects. If ownership of property subject to the fee under this section is transferred to a farmer within twelve months after payment of the fee under this section, the fee is refundable upon application to the agriculture commissioner by the entity that paid the fee. If less than the entire parcel subject to the fee is transferred, the portion of the fee that is refundable is equal to the portion of the property that is transferred to a farmer. Amounts necessary for refunds under this section are appropriated to the agriculture commissioner as a standing and continuing appropriation from the agricultural property preservation fund."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2437: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2437 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4020: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4020 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "remove" with "assist farmers by removing or restricting the use of trade sanctions as they apply to agricultural products, by taking advantage of the export enhancement program, by removing", after "loans" insert a comma, and replace "reform" with "by reforming"

Page 1, line 15, after the semicolon insert "and

**WHEREAS**, prohibiting the use of unilateral economic sanctions that hinder the export of agricultural products would reduce financial harm to farmers in this state;"

Page 1, line 19, replace "remove" with "assist farmers by removing or restricting the use of trade sanctions as they apply to agricultural products, by taking advantage of the export enhancement program, by removing", after "loans" insert a comma, and replace "reform" with "by reforming"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SCR 4029: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4029 was placed on the Sixth order on the calendar.

Page 1, line 2, after "state" insert "; and directing the Legislative Council to study the feasibility and desirability of removing the telecommunications local access transport area line in this state"

Page 1, after line 11, insert:

**"BE IT FURTHER RESOLVED**, that the Legislative Council study the feasibility and desirability of removing the telecommunications local access transport area line in this state; and

**BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-seventh Legislative Assembly; and"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SCR 4033: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4033 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4035: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4035 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4036: Human Services Committee (Sen. Thane, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4036 was placed on the Sixth order on the calendar.

Page 1, line 19, after "depressed" insert "with an unemployment rate approaching sixty percent according to the Bureau of Indian Affairs"

Page 1, line 21, remove the second "the" and after "welfare" insert ", job and workforce training, and economic development"

Page 2, after line 9, insert:

**"BE IT FURTHER RESOLVED**, that the Legislative Council study how state-sponsored economic development, job training, and workforce training programs can be coordinated between the state and federally recognized Indian tribes within the state; and"

Page 2, after line 13, insert:

**"BE IT FURTHER RESOLVED**, that the Legislative Council, in conducting its study, request input from members of the federally recognized Indian tribes within the state and from officials of the government of those tribes, especially tribal officials involved with human services and economic development programs; and"

Renumber accordingly

**FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

Sen. W. Stenehjem and Rep. DeKrey introduced:

**SCR 4046:** A concurrent resolution directing the Legislative Council to study the appropriateness and adequacy of the financial remuneration allowed to owners of charitable gaming sites.

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

Sens. DeMers, Holmberg, C. Nelson, Nething, Traynor and Rep. Svedjan introduced:

**SCR 4047:** A concurrent resolution directing the Legislative Council to study methods to preserve and provide access to state publications in an electronic format.

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

Sens. W. Stenehjem, Traynor, Watne and Reps. DeKrey, Hawken, Mahoney introduced:

**SCR 4048:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of revising the sections of the North Dakota Century Code which relate to sexual offenses and sentencing of sexual offenders.

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

Sen. Grindberg introduced:

**SCR 4049:** A concurrent resolution directing the Legislative Council to study establishment and operation of a disaster relief fund to address property tax needs in federally declared disaster areas.

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

Sens. Krebsbach, DeMers, Kilzer, Mutzenberger, W. Stenehjem, Thane introduced:

**SCR 4050:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing a grant preapproval process for every state agency, except institutions under the state board of higher education.

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

Sen. W. Stenehjem and Rep. DeKrey introduced:

**SCR 4051:** A concurrent resolution directing the Legislative Council to study the classification of criminal offenses throughout the North Dakota Century Code.

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

Sen. Thompson introduced:

**SCR 4052:** A concurrent resolution directing the Legislative Council to study options for holding regular legislative sessions in even-numbered years.

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

The Senate stood adjourned pursuant to Senator St. Aubyn's motion.

**WILLIAM C. PARKER, Secretary**