

JOURNAL OF THE SENATE

Fifty-eighth Legislative Assembly

* * * * *

Bismarck, February 20, 2003

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

The prayer was offered by Pastor Roger L. Will, Evangel Temple, Bismarck.

The roll was called and all members were present except Senators Klein and O'Connell.

A quorum was declared by the President.

MOTION

SEN. CHRISTMANN MOVED that the rules be suspended and 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.

CONSIDERATION OF AMENDMENTS

SB 2244: SEN. ANDRIST (Appropriations Committee) MOVED that the amendments on SJ page 478 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2244: A BILL for an Act to provide for the development and operation of wind turbines by public school districts; to create and enact a new subsection to section 15.1-09-33 of the North Dakota Century Code, relating to the powers of school boards; and to amend and reenact subsection 5 of section 15.1-36-01 and subsection 4 of section 21-03-06 of the North Dakota Century Code, relating to school construction projects and school district bonds.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 25 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Christenson; Erbele; Every; Fairfield; Flakoll; Heitkamp; Holmberg; Kilzer; Krauter; Lee, J.; Lindaas; Mathern; Nelson; Nothing; Nichols; Polovitz; Robinson; Seymour; Tallackson; Taylor; Thane; Trenbeath; Wardner

NAYS: Bowman; Brown; Christmann; Cook; Dever; Espegard; Fischer; Freborg; Grindberg; Krebsbach; Kringstad; Lee, G.; Lyson; Mutch; Schobinger; Stenehjerm; Syverson; Tollefson; Traynor; Urlacher

ABSENT AND NOT VOTING: Klein; O'Connell

Engrossed SB 2244 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2252: SEN. G. LEE (Political Subdivisions Committee) MOVED that the amendments on SJ pages 480-481 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2252: A BILL for an Act to amend and reenact sections 43-07-04, 43-07-14, 43-07-15, and 43-07-19 of the North Dakota Century Code, relating to contractor's license, license complaints, hearings, revocations, civil penalties, remedies, and service of process; to provide for a legislative council study; and to provide a penalty.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg;

Kilzer; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Klein; O'Connell

Engrossed SB 2252 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2259: SEN. J. LEE (Political Subdivisions Committee) MOVED that the amendments on SJ page 484 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2259: A BILL for an Act to amend and reenact section 40-63-07 of the North Dakota Century Code, relating to renaissance fund organizations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Polovitz; Robinson; Schobinger; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Wardner

NAYS: Bercier; Cook; Mutch; Nichols; Seymour; Stenehjem; Trenbeath; Urlacher

ABSENT AND NOT VOTING: Klein; O'Connell

Engrossed SB 2259 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2258: SEN. HEITKAMP (Natural Resources Committee) MOVED that the amendments on SJ pages 481-484 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2258: A BILL for an Act to provide for creation of the Lake Agassiz water authority; and to amend and reenact section 61-24-04 of the North Dakota Century Code, relating to compensation of the members of the board of directors of the Garrison Diversion Conservancy District.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Klein; O'Connell

Engrossed SB 2258 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2272: SEN. BROWN (Human Services Committee) MOVED that the amendments on SJ pages 484-485 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2272: A BILL for an Act to create and enact a new section to chapter 23-20.1 of the North Dakota Century Code, relating to x-ray operators.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Klein; O'Connell

Engrossed SB 2272 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2331: SEN. CHRISTENSON (Political Subdivisions Committee) MOVED that the amendments on SJ pages 485-486 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2331: A BILL for an Act to create and enact a new section to chapter 11-11 of the North Dakota Century Code, relating to the expenditure of public funds to assist programs and activities of nonprofit organizations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Brown; Christenson; Christmann; Dever; Erbele; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Kringstad; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath

NAYS: Bowman; Cook; Espegard; Lee, G.; Mutch; Stenehjem; Urlacher; Wardner

ABSENT AND NOT VOTING: Klein

Engrossed SB 2331 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2346: SEN. J. LEE (Political Subdivisions Committee) MOVED that the amendments on SJ page 486 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2346: A BILL for an Act to create and enact three new sections to chapter 12-63 of the North Dakota Century Code, relating to membership on the peace officers standards and training board, temporary suspensions, and cost of prosecution; to amend and reenact sections 12-62-01, 12-62-01.1, 12-62-02, 12-62-07, 12-62-10, 12-63-01, 12-63-02, 12-63-03, 12-63-04, 12-63-05, 12-63-09, 12-63-10, and 12-63-12 of the North Dakota Century Code, relating to training responsibilities, statistics collection, and the peace officers standards and training board; to repeal sections 12-62-03, 12-62-05, 12-62-06, and 12-62-09 of the North Dakota Century Code, relating to law enforcement training; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg;

Kilzer; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Klein

Engrossed SB 2346 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2354: SEN. HOLMBERG (Appropriations Committee) MOVED that the amendments on SJ pages 490-491 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2354: A BILL for an Act to provide reimbursements to public schools and school districts purchasing certain foods grown in this state for use in school lunch programs; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 17 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Christenson; Erbele; Every; Fairfield; Fischer; Flakoll; Heitkamp; Krauter; Lee, J.; Mathern; Nichols; O'Connell; Schobinger; Taylor; Urlacher

NAYS: Bowman; Brown; Christmann; Cook; Dever; Espegard; Freborg; Grindberg; Holmberg; Kilzer; Krebsbach; Kringstad; Lee, G.; Lindaas; Lyson; Mutch; Nelson; Nething; Polovitz; Robinson; Seymour; Stenehjem; Syverson; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Wardner

ABSENT AND NOT VOTING: Klein

Engrossed SB 2354 lost.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 9:30 a.m., which motion prevailed.

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

CONSIDERATION OF AMENDMENTS

SB 2358: SEN. NETHING (Transportation Committee) MOVED that the amendments on SJ pages 491-492 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2358: A BILL for an Act to create and enact section 49-16-01.1 of the North Dakota Century Code, relating to indemnity provisions on transfer of railroad rights of way; to amend and reenact sections 49-16-05 and 60-06-06.1 of the North Dakota Century Code, relating to prohibition of railroad indemnity agreements in right-of-way leases; to provide for a legislative council study; to provide for application; and to provide an expiration date.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Klein

Engrossed SB 2358 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2368: SEN. COOK (Political Subdivisions Committee) MOVED that the amendments on SJ page 492 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2368: A BILL for an Act to create and enact two new sections to chapter 40-23 of the North Dakota Century Code, relating to audits of special assessments when costs exceed estimates and future assessments on annexed property; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Klein

Engrossed SB 2368 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2348: SEN. J. LEE (Human Services Committee) MOVED that the amendments on SJ pages 486-490 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2348: A BILL for an Act to create and enact sections 10-33-148 and 10-33-149 and a new subsection to section 50-24.4-15 of the North Dakota Century Code, relating to transactions by nonprofit corporations that operate or control hospitals and nursing homes and property-related costs for nursing homes; to amend and reenact sections 10-33-144, 10-33-145, 10-33-146, and 10-33-147 of the North Dakota Century Code, relating to transactions by nonprofit corporations that operate or control hospitals or nursing homes; and to provide a continuing appropriation.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Klein

Engrossed SB 2348 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2086, as engrossed: SEN. LINDAAS (Appropriations Committee) MOVED that the amendments on SJ page 541 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2086: A BILL for an Act to create and enact a new chapter to title 25 of the North Dakota Century Code, relating to implementation of a fee for service ratesetting system for payment to treatment or care centers for individuals with developmental disabilities; to repeal sections 25-16-10, 25-16-10.1, 25-16-15, 25-16-16, and 50-06-18 of the North Dakota Century Code, relating to the purchase of services provided to individuals with developmental disabilities and allowing providers of services to individuals with developmental disabilities to transfer funds between budget categories and line items; to provide an appropriation; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Klein

Reengrossed SB 2086 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that SB 2083 be moved to the top of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2083: SEN. THANE (Appropriations Committee) MOVED that the amendments on SJ page 541 be replaced with the following amendments and then be placed on the Eleventh order, as amended, which motion prevailed on a verification vote.

Page 2, line 24, replace "twenty-five" with "twenty" and overstrike "in" and insert immediately thereafter "of all other"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Dept. 325 - Department of Human Services

This amendment reduces the amount of assets, other than the value of the individual's primary home, that are not considered for eligibility for the service payments for elderly and disabled (SPED) program from \$25,000 as recommended in the executive budget to \$20,000. This amendment also clarifies that these assets include both liquid and nonliquid assets.

Engrossed SB 2083 was placed on the Eleventh order for immediate second reading.

SECOND READING OF SENATE BILL

SB 2083: A BILL for an Act to amend and reenact section 50-06.2-03 of the North Dakota Century Code, relating to the eligibility resource limits of the service payments for elderly and disabled.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 25 YEAS, 21 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Grindberg; Holmberg; Kilzer; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Schobinger; Stenehjem; Thane; Tollefson; Traynor; Trenbeath; Wardner

NAYS: Bercier; Christenson; Espgaard; Every; Fairfield; Freborg; Heitkamp; Krauter; Lindaas; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Seymour; Syverson; Tallackson; Taylor; Urlacher

ABSENT AND NOT VOTING: Klein

Engrossed SB 2083 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that SB 2248 be moved to the top of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2248: SEN. FAIRFIELD (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 541-543 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2248: A BILL for an Act to create and enact three new sections to chapter 16.1-07 of the North Dakota Century Code, relating to providing absentee voting information to military and overseas voters, rejecting absentee ballots cast by military and overseas voters, and creating early voting precincts; and to amend and reenact subsection 2 of section 16.1-07-01 and sections 16.1-07-05, 16.1-07-06, 16.1-07-07, and 16.1-07-08 of the North Dakota Century Code, relating to absentee voting for federal offices by citizens who have never lived in the United States, applications for absent voter's ballots, and absentee voting.

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, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Klein

Engrossed SB 2248 passed and the title was agreed to.

MOTION

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

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

MOTION

SEN. CHRISTMANN MOVED that SB 2012 be moved to the top of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2012: SEN. BOWMAN (Appropriations Committee) MOVED that the amendments on SJ pages 534-539 be adopted and then be placed on the Eleventh order with **DO PASS**.

REQUEST

SEN. MATHERN REQUESTED that the Senate divide the amendments to SB 2012, which request was granted.

DIVISION A: All of the items marked with "[A]" on the Statement of Purpose of the amendment shown below:

PROPOSED AMENDMENTS TO SENATE BILL NO. 2012

Page 1, line 3, after "institutions" insert "; to provide a statement of legislative intent"

Page 1, line 13, replace "11,147,734" with "11,027,431"

Page 1, line 14, replace "34,550,483" with "34,066,362"

Page 1, line 17, replace "47,962,467" with "47,358,043"

Page 1, line 18, replace "31,912,324" with "33,134,565"

Page 1, line 19, replace "16,050,143" with "14,223,478"

Page 1, line 22, replace "22,311,231" with "22,077,620"

Page 1, line 23, replace "38,397,710" with "38,456,409"

Page 2, line 1, replace "288,491,078" with "288,492,803"

Page 2, line 2, replace "897,921,533" with "890,942,979"

Page 2, line 3, replace "1,247,161,224" with "1,240,009,483"

Page 2, line 4, replace "974,986,069" with "978,141,758"

Page 2, line 5, replace "272,175,155" with "261,867,725"

Page 2, line 9, replace "7,331,947" with "7,280,942"

Page 2, line 10, replace "14,684,062" with "14,576,944"

Page 2, line 11, replace "8,490,227" with "8,427,435"

Page 2, line 12, replace "17,628,299" with "17,508,856"

Page 2, line 13, replace "20,924,037" with "20,743,221"

Page 2, line 14, replace "11,454,381" with "11,367,850"

Page 2, line 15, replace "17,713,897" with "17,596,609"

Page 2, line 16, replace "9,004,972" with "8,932,780"

Page 2, line 17, replace "44,312,699" with "41,931,048"

Page 2, line 18, replace "42,148,253" with "40,808,116"

Page 2, line 19, replace "193,942,774" with "189,423,801"

Page 2, line 20, replace "103,596,026" with "103,228,028"

Page 2, line 21, replace "90,346,748" with "86,195,773"

Page 2, line 22, replace "378,572,046" with "362,336,976"

Page 2, line 23, replace "1,110,494,419" with "1,114,504,351"

Page 2, line 24, replace "1,489,066,465" with "1,476,841,327"

Page 2, after line 24, insert:

"SECTION 2. APPROPRIATION - HEALTH CENTER GRANTS. There is 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, to the department of human services for the purpose of providing grants to community health centers to support community development and grant writing services, for the biennium beginning July 1, 2003, and ending June 30, 2005. The department may not award an individual grant of more than \$10,000.

SECTION 3. LEGISLATIVE INTENT - DEVILS LAKE CHILD SUPPORT ENFORCEMENT UNIT. It is the intent of the legislative assembly that the fifty-ninth legislative assembly consider removing general fund support for the Devils Lake child support enforcement unit reservation project if the project's performance results do not improve during the biennium beginning July 1, 2003, and ending June 30, 2005."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2012 - Summary of Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
DHS - Management			
Total all funds	\$47,962,467	(\$604,424)	\$47,358,043
Less estimated income	31,912,324	1,222,241	33,134,565
General fund	\$16,050,143	(\$1,826,665)	\$14,223,478
DHS - Program/Policy			
Total all funds	\$1,247,161,224	(\$7,101,741)	\$1,240,059,483
Less estimated income	974,986,069	3,155,689	978,141,758
General fund	\$272,175,155	(\$10,257,430)	\$261,917,725
DHS - State Hospital			
Total all funds	\$44,312,699	(\$2,381,651)	\$41,931,048
Less estimated income	16,405,360		16,405,360
General fund	\$27,907,339	(\$2,381,651)	\$25,525,688
DHS - Developmental Center			
Total all funds	\$42,148,253	(\$1,340,137)	\$40,808,116
Less estimated income	32,234,480	(249,828)	31,984,652
General fund	\$9,913,773	(\$1,090,309)	\$8,823,464
DHS - Mental health contingency			
Total all funds	\$250,000	\$0	\$250,000
Less estimated income			
General fund	\$250,000	\$0	\$250,000
DHS - Northwest HSC			
Total all funds	\$7,331,947	(\$51,005)	\$7,280,942
Less estimated income	3,647,636	(1,838)	3,645,798
General fund	\$3,684,311	(\$49,167)	\$3,635,144
DHS - North Central HSC			
Total all funds	\$14,684,062	(\$107,118)	\$14,576,944
Less estimated income	6,735,850	(10,848)	6,725,002
General fund	\$7,948,212	(\$96,270)	\$7,851,942
DHS - Lake Region HSC			
Total all funds	\$8,490,227	(\$62,792)	\$8,427,435
Less estimated income	3,790,662	(6,909)	3,783,753
General fund	\$4,699,565	(\$55,883)	\$4,643,682

DHS - Northeast HSC			
Total all funds	\$17,628,299	(\$119,443)	\$17,508,856
Less estimated income	<u>10,099,083</u>	<u>(48,782)</u>	<u>10,050,301</u>
General fund	\$7,529,216	(\$70,661)	\$7,458,555
DHS - Southeast HSC			
Total all funds	\$20,924,037	(\$180,816)	\$20,743,221
Less estimated income	<u>11,233,890</u>	<u>(16,800)</u>	<u>11,217,090</u>
General fund	\$9,690,147	(\$164,016)	\$9,526,131
DHS - South Central HSC			
Total all funds	\$11,454,381	(\$86,531)	\$11,367,850
Less estimated income	<u>5,741,308</u>	<u>(8,464)</u>	<u>5,732,844</u>
General fund	\$5,713,073	(\$78,067)	\$5,635,006
DHS - West Central HSC			
Total all funds	\$17,713,897	(\$117,288)	\$17,596,609
Less estimated income	<u>9,137,950</u>	<u>(14,668)</u>	<u>9,123,282</u>
General fund	\$8,575,947	(\$102,620)	\$8,473,327
DHS - Badlands HSC			
Total all funds	\$9,004,972	(\$72,192)	\$8,932,780
Less estimated income	<u>4,569,807</u>	<u>(9,861)</u>	<u>4,559,946</u>
General fund	\$4,435,165	(\$62,331)	\$4,372,834
Bill Total			
Total all funds	\$1,489,066,465	(\$12,225,138)	\$1,476,841,327
Less estimated income	<u>1,110,494,419</u>	<u>4,009,932</u>	<u>1,114,504,351</u>
General fund	\$378,572,046	(\$16,235,070)	\$362,336,976

Senate Bill No. 2012 - Department of Human Services - Management - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES ¹	SENATE VERSION
Salaries and wages	\$11,147,734	(\$120,303)	\$11,027,431
Operating expenses	34,550,483	(484,121)	34,066,362
Capital assets	2,694		2,694
Developmentally disabled facility loan	<u>2,261,556</u>		<u>2,261,556</u>
Total all funds	\$47,962,467	(\$604,424)	\$47,358,043
Less estimated income	<u>31,912,324</u>	<u>1,222,241</u>	<u>33,134,565</u>
General fund	\$16,050,143	(\$1,826,665)	\$14,223,478
FTE	113.80	0.00	113.80

1

	FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
Administration Support - Senate Changes:				
Removes the Governor's recommendation for state employee salary increases			(\$74,782)	(\$45,521)
Replaces general fund support with special or federal funds, if available		(1,500,000)	1,500,000	
Administration Support Program				
Reduces funding for postage to \$1,208,184		(160,709)	(241,064)	(401,773)
Information Technology Division Program				
Reduces funding for information technology contractual services		(100,000)		(100,000)
Removes funding for the computer system changes relating to the prescription drug assistance program for senior citizens		(116,174)	(116,174)	(232,348)
Adds funding for computer system changes relating to the medical assistance buyin program authorized in Senate Bill No. 2194		125,000	125,000	250,000
Total Senate Changes - Administration Support	0.00	(\$1,826,665)	\$1,222,241	(\$604,424)

Senate Bill No. 2012 - Department of Human Services - Program/Policy - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES ¹	SENATE VERSION
Salaries and wages	\$22,311,231	(\$233,611)	\$22,077,620
Operating expenses	38,397,710	58,699	38,456,409
Capital assets	39,672		39,672
Grants	288,491,078	1,725	288,492,803
Grants - Medical assistance	897,921,533	(6,978,554)	890,942,979
Health center grants		<u>50,000</u>	<u>50,000</u>
Total all funds	\$1,247,161,224	(\$7,101,741)	\$1,240,059,483
Less estimated income	<u>974,986,069</u>	<u>3,155,689</u>	<u>978,141,758</u>
General fund	\$272,175,155	(\$10,257,430)	\$261,917,725
FTE	234.80	0.00	234.80

1

	FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
Program/Policy - Senate Changes:				
Removes the Governor's			(\$68,008)	(\$165,603)
				(\$233,611)

recommendation for state employee salary increases			
Replaces general fund support with special or federal funds, if available	(4,000,000)	4,000,000	
Economic Assistance Policy Program			
No changes			
[A]Child Support Program			
Restores funding for the Devils Lake child support enforcement unit reservation project	215,016		215,016
Medical Services Program			
Removes funding for a prescription drug assistance program for senior citizens	(3,099,061)	(6,637,060)	(9,736,121)
Adds funding for the medical assistance buyin program authorized in Senate Bill No. 2194	(767,229)	2,720,524	1,953,295
[A]Restores funding for the following optional medical assistance services:			
Chiropractic	84,905	182,702	267,607
Dental	2,317,751	4,987,568	7,305,319
Hospice	409,784	881,816	1,291,600
Private duty nursing	465	994	1,459
Removes funding for the following optional medical assistance services for adults:			
Durable medical equipment	(984,480)	(2,088,880)	(3,073,360)
Optometric	(397,067)	(842,509)	(1,239,576)
Psychological	(149,381)	(316,955)	(466,336)
Reduces funding for prescription drugs in the medical assistance program	(2,880,000)	(6,120,000)	(9,000,000)
[A]Adds funding to provide a 50-cent per hour salary increase to employees of developmental disabilities services providers	2,613,822	5,132,296	7,746,118
Long-Term Care Program			
Reduces funding as a result of the department's December 2002 reprojection of anticipated nursing facility costs for the 2003-05 biennium	(1,600,000)	(3,400,000)	(5,000,000)
[A]Restores funding for the 3 percent nursing facility operating margin	1,932,211	4,156,667	6,088,878
[A]Restores funding for nursing facility incentives	432,302	931,245	1,363,547
Reduces funding for service payments for the elderly and disabled (SPED) relating to the reduction in allowable assets from \$25,000 to \$20,000 as provided for in Senate Bill No. 2083	(1,674,549)	(88,135)	(1,762,684)
Reduces funding for SPED relating to the inclusion of all assets, except the individual's primary home, rather than only liquid assets when determining SPED eligibility as provided for in Senate Bill No. 2083	(2,707,500)	(142,500)	(2,850,000)
Reduces funding for the expanded SPED program	(300,000)		(300,000)
Aging Services Program			
No changes			
Children and Family Services Program			
Removes funding for eligibility determination costs relating to a prescription drug assistance program for senior citizens	(158,500)	(158,500)	(317,000)
[A]Restores funding for special needs adoption contract workers	200,000	118,725	318,725
Mental Health and Substance Abuse Program			
No changes			

Developmental Disabilities Council
Changes the source of funding for operating costs from the general fund to federal funds

(3,294) 3,294

[A]Disabilities Program

Adds funding for corporate guardianship services relating to an anticipated increase in caseload and to increase the rate paid from \$3.20 per day to \$3.92 per day

275,383 275,383

Total Senate Changes - Program/Policy

0.00 (\$10,307,430) \$3,155,689 (\$7,151,741)

Other changes affecting Program/Policy programs:

A section is added appropriating \$50,000 from the general fund for health center grants to support community development and grant writing services.

A section of legislative intent is added providing that the 2005 Legislative Assembly consider removing general fund support from the Devils Lake child support enforcement unit reservation project if performance results do not improve.

Senate Bill No. 2012 - Department of Human Services - State Hospital - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES ¹	SENATE VERSION
Salaries and wages			
Operating expenses			
Grants			
Human service centers/ institutions	\$44,312,699	(\$2,381,651)	\$41,931,048
Total all funds	\$44,312,699	(\$2,381,651)	\$41,931,048
Less estimated income	<u>16,405,360</u>		<u>16,405,360</u>
General fund	\$27,907,339	(\$2,381,651)	\$25,525,688
FTE	416.90	0.00	416.90

1

	FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
State Hospital - Senate Changes:				
Removes the Governor's recommendation for state employee salary increases		(\$381,651)		(\$381,651)
Reduces funding from the general fund. The department may determine the specific areas to reduce.		(2,000,000)		(2,000,000)
Total Senate Changes - State Hospital	0.00	(\$2,381,651)	\$0	(\$2,381,651)

Senate Bill No. 2012 - Department of Human Services - Developmental Center - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES ¹	SENATE VERSION
Human service centers/ institutions	\$42,148,253	(\$1,340,137)	\$40,808,116
Total all funds	\$42,148,253	(\$1,340,137)	\$40,808,116
Less estimated income	<u>32,234,480</u>	<u>(249,828)</u>	<u>31,984,652</u>
General fund	\$9,913,773	(\$1,090,309)	\$8,823,464
FTE	458.04	0.00	458.04

1

	FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
Developmental Center - Senate Changes:				
Removes the Governor's recommendation for state employee salary increases		(\$90,309)	(\$249,828)	(\$340,137)
Reduces funding from the general fund. The department may determine the specific areas to reduce.		(1,000,000)		(1,000,000)
Total Senate Changes - Developmental Center	0.00	(\$1,090,309)	(\$249,828)	(\$1,340,137)

Senate Bill No. 2012 - Human Service Centers - General Fund Summary

	EXECUTIVE BUDGET	SENATE CHANGES ¹	SENATE VERSION
DHS - Mental health contingency	\$250,000		\$250,000
DHS - Northwest HSC	3,684,311	(\$49,167)	3,635,144
DHS - North Central HSC	7,948,212	(96,270)	7,851,942
DHS - Lake Region HSC	4,699,565	(55,883)	4,643,682
DHS - Northeast HSC	7,529,216	(70,661)	7,458,555
DHS - Southeast HSC	9,690,147	(164,016)	9,526,131
DHS - South Central HSC	5,713,073	(78,067)	5,635,006
DHS - West Central HSC	8,575,947	(102,620)	8,473,327
DHS - Badlands HSC	<u>4,435,165</u>	<u>(62,331)</u>	<u>4,372,834</u>
Total general fund	\$52,525,636	(\$679,015)	\$51,846,621

Senate Bill No. 2012 - Human Service Centers - Other Funds Summary

	EXECUTIVE BUDGET	SENATE CHANGES ¹	SENATE VERSION
DHS - Mental health contingency			
DHS - Northwest HSC	\$3,647,636	(\$1,838)	\$3,645,798
DHS - North Central HSC	6,735,850	(10,848)	6,725,002
DHS - Lake Region HSC	3,790,662	(6,909)	3,783,753
DHS - Northeast HSC	10,099,083	(48,782)	10,050,301
DHS - Southeast HSC	11,233,890	(16,800)	11,217,090
DHS - South Central HSC	5,741,308	(8,464)	5,732,844
DHS - West Central HSC	9,137,950	(14,668)	9,123,282
DHS - Badlands HSC	<u>4,569,807</u>	<u>(9,861)</u>	<u>4,559,946</u>
Total other funds	\$54,956,186	(\$118,170)	\$54,838,016

Senate Bill No. 2012 - Human Service Centers - All Funds Summary

	EXECUTIVE BUDGET	SENATE CHANGES ¹	SENATE VERSION
DHS - Mental health contingency	\$250,000		\$250,000
DHS - Northwest HSC	7,331,947	(\$51,005)	7,280,942
DHS - North Central HSC	14,684,062	(107,118)	14,576,944
DHS - Lake Region HSC	8,490,227	(62,792)	8,427,435
DHS - Northeast HSC	17,628,299	(119,443)	17,508,856
DHS - Southeast HSC	20,924,037	(180,816)	20,743,221
DHS - South Central HSC	11,454,381	(86,531)	11,367,850
DHS - West Central HSC	17,713,897	(117,288)	17,596,609
DHS - Badlands HSC	<u>9,004,972</u>	<u>(72,192)</u>	<u>8,932,780</u>
Total all funds	\$107,481,822	(\$797,185)	\$106,684,637
FTE	817.58	0.00	817.58

¹ Human service centers - Senate changes:

	FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
Mental health community services contingency No changes				
Northwest Human Service Center Removes the Governor's recommendation for state employee salary increases		(\$49,167)	(\$1,838)	(\$51,005)
North Central Human Service Center Removes the Governor's recommendation for state employee salary increases		(\$96,270)	(\$10,848)	(\$107,118)
Lake Region Human Service Center Removes the Governor's recommendation for state employee salary increases		(\$55,883)	(\$6,909)	(\$62,792)
Northeast Human Service Center Removes the Governor's recommendation for state employee salary increases		(\$70,661)	(\$48,782)	(\$119,443)
Southeast Human Service Center Removes the Governor's recommendation for state employee salary increases		(\$164,016)	(\$16,800)	(\$180,816)

South Central Human Service Center Removes the Governor's recommendation for state employee salary increases	(\$78,067)	(\$8,464)	(\$86,531)
West Central Human Service Center Removes the Governor's recommendation for state employee salary increases	(\$102,620)	(\$14,668)	(\$117,288)
Badlands Human Service Center Removes the Governor's recommendation for state employee salary increases	(\$62,331)	(\$9,861)	(\$72,192)

DIVISION B: All of the remaining items.

The question being on the adoption of Division A of the proposed amendments to SB 2012.

Division A of the proposed amendments to SB 2012 was adopted on a voice vote.

REQUEST

SEN. MATHERN REQUESTED a recorded roll call vote on Division B of the proposed amendments to SB 2012, which request was granted.

ROLL CALL

The question being on the adoption of Division B of the proposed amendments to SB 2012, the roll was called and there were 29 YEAS, 17 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Schobinger; Stenehjem; Syverson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

NAYS: Bercier; Christenson; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Seymour; Tallackson; Taylor

ABSENT AND NOT VOTING: Klein

Division B of the proposed amendments to SB 2012 was adopted.

Therefore, the question being the adoption of the proposed amendments to SB 2012, which include both Division A and Division B, the proposed amendments were adopted on a voice vote.

Engrossed SB 2012 was placed on the Eleventh order for second reading.

MOTION

SEN. CHRISTMANN 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.

THE PRESIDENT APPOINTED as such committee, Sens. Espegard and Krauter.

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

Thank you all very much for the welcome. It's very nice to be here in this chamber once again. The Lieutenant Governor and I were on an airplane the other day. It is a profound sense of embarrassment for me and, I hope for him, that two North Dakotans were stranded in the snow in Washington, D.C. We are used to snow, but they had a couple of feet of snow and all the airports were closed--all three airports. Neither of us were able to get a plane quite when we expected to, but I am pleased to be here. The Senate is not in session this week, and I am able to be in North Dakota all week.

We face a lot of challenges in this country. I know that you face challenges in this chamber. I just listened to just a bit of this last debate, and I recognized that the process of economizing is trying to match unlimited wants with limited resources. Perhaps never is that more evident and more obvious than in the legislative process where you are trying to figure out how all of this fits.

We in Congress are facing, as the country is facing, some significant foreign policy challenges these days--North Korea, Iraq, Al-Qaida, Osama Bin Laden, terrorism. We also face very significant challenges here at home--a sluggish economy, resumption of a very large federal budget deficit, as far as the eye can see, very large trade deficits. We have an agenda that we must work on even in the midst of all of this--an energy bill, education, health care, farm legislation. All of that is important. But I want to talk to you today first about something that I

think is of utmost importance to us and something that is urgent. It represents a crisis for our state and our region.

I have watched what has been said about our state and written about our state across the country and also in foreign lands. I have seen the state written about in the Los Angeles Times and the New York Times; more recently, a London newspaper. In fact, let me quote from the London newspaper. It makes me angry and I assume that it makes you angry, but that is not the emotion of things today that we should necessarily take from all of this. This is an emotion that ought to stimulate us to do something else. First from a London newspaper in the last couple of weeks--Something remarkable is going on in North Dakota, perhaps the least-known but most troubled state in the Union. A century and a quarter after the white man colonized the place the Europeans are facing an extinction, and the ancient inhabitants may yet reclaim the land. In small and provocative towns and communities all over the state where their great-grandfathers arrived by trains and covered wagons, they are giving up and getting out--Abercrombie, Amidon, and Anamoose, Wishek, Wyndmere, and Zap. Many of these towns have lost 10 percent of their population in each decade since the 1930s, but in the 1990s that often accelerated to 20 percent and above all young people are going with regret or relief because they have no alternative. That is from the London paper. You have read these kinds of things about what is happening, not just in North Dakota but in the heartland of our country. It is North Dakota, Montana, South Dakota, Nebraska, Kansas, Wyoming. A relentless kind of depopulation of the heartland. This is a wonderful place. All of us understand that. That is why we serve here in North Dakota. It's a wonderful place with strong schools, safe streets. It's the best place in America, in my judgment, to raise a family--good neighbors with a lot to offer. But something is happening here. This article and others like it report that something is happening here and we know it. Something is happening here and it's urgent. It's a crisis. And we, above all, need to treat it as such.

I want to talk just for a moment about what the state data center says about our state, the state demographer--they make predictions and friends. They say in the year 1980 in North Dakota we had 652,000 residents. And they say in the year 2020 that we will have 651,000 residents. That means it is about stable in 40 years, 652,000 to 651,000. But they also say that during that 40 years when we have a population that remains almost unchanged, Fargo will increase in population by 60,000 citizens, Bismarck by 20,000 citizens, and Minot and Grand Forks will remain relatively the same. If you take those four cities out of the population base in the year 2020, you have 300,000 citizens left. That means of those 300,000 citizens, which represent 95 percent of the rest of North Dakota, that 300,000 population will be reduced by 80,000 in order to make up for the 80,000 that is gained by Fargo and Bismarck. That means that on an average, the counties in North Dakota will see a 25 to 35 percent change in population in 40 years. My home county is a classic example of that. My home county is Hettinger County. It is slightly larger than the state of Rhode Island. When I left, it had 5,000 citizens. Now it has 2,800 citizens. In the year 2020, it is expected to have 1,800 citizens. That is Hettinger County. In New England, North Dakota, in the western part of Hettinger County, the Lutheran minister says that she officiates at four funerals for every wedding. We are getting older. Some people are not staying. People are not having babies. People are not getting married. We know that this is happening in almost every rural area of our state. The question is, can we do something about it. It is not just us. Every county struggles and works. Our state struggles and works to do something about it. It is not just us. If you draw an eggshape in North Dakota--the middle part of the country--the middle part of America is being relentlessly depopulated a century after we populated it by giving people land. Come here, stay here, and prove the land. Build here, start a farm, we will give you some land we said. There was this great migration to populate the heartland of our country and it worked. A century and a half later it indeed is being depopulated. We can ignore it. We can be like the frog in the pan of water on a stove and wait until it is too late. But we do that at our peril it seems to me.

So the question is what? What do we do? I think that this is a problem not of our making and not just of consequence to us. When we have economic blight in America's cities, our country decided it did not want its cities to fail. Economic blight struggles with decay in America's cities and the country mobilized immediately to create urban renewal and model cities and pumped money and energy into the cities of America. America's cities are doing just fine, thank you, because our country decided it was a national priority to help rebuild and reenergize the economies in America's cities. This country, in my judgment, if it cares about the heartland, and it should, has a similar obligation to help restore economic opportunity in the heartland of this country. I believe that we can create and should create national effort to do that.

Senator Chuck Hagel and I wrote a piece of legislation. I know some of you were with Senator Hagel yesterday. He was here in Bismarck. Senator Hagel and I wrote a piece of legislation called the Homestead Economic Opportunity Act. At the end of the last session, we had 12 cosponsors, Republicans and Democrats. It's a bipartisan piece of legislation, and it's very simple but very bold. It says our population is moving from the heartland, and we want to try to create a magnet to bring it back. We do not have land to give away anymore. But what we can

do is create financial incentives. We say to people if you are living in a country with outmigration, here are incentives--investment tax credits, venture capital, payment of student college loans, a whole series of opportunities for those who are investors. To those who stay there to work and assume jobs, to those who build businesses there, you say to people, if you stay there, if you come there, if you build there, if you become part of their future in areas that are suffering outmigration, here are substantial, bold incentives for you. That is what we did for America's cities, that is what we ought to do for the heartland of our country. I indicated to you that this is a federal initiative. We had 12 cosponsors. We expect to get 20 cosponsors, Republicans and Democrats. Senator Hagel and I are going to try very hard to get this enacted. It's a big idea. It will not happen next month. Because it is a big idea, it will take some time. But this country has a responsibility and obligation, in my judgment, to address what I think is a crisis in the heartland of our country--relentless, relentless depopulation. Again, we can ignore, but if we ignore it, we will do nothing to change it. I believe it can be altered and can be changed in a way that is beneficial to us, and those that come after us in our great state. It is called the Homestead Economic Opportunity Act. I hope you will pass a resolution supporting it, asking Congress to pass it. Nothing partisan about it - bipartisan.

Let me mention something else that I have been working on. About a year ago, I called a meeting in Fargo and I invited all of the college presidents in North Dakota to come to the meeting and invited the Governor. We had a meeting to talk about an idea that I kicked around for a while to create a research corridor here in North Dakota. One of the things that I have noticed is economic development, new industry, and new jobs congregate around where major research occurs. The largest funder of research on earth is the United States federal government. It puts major research into certain areas of this country. A bulk of the research goes to four states--California, New York, Texas, and Massachusetts. It is not an accident that when major research creates centers of excellence in areas like Harvard or Silicone Valley, that companies and jobs are created there. It has happened all across this country in certain areas where the federal government has created this research opportunity, then attracts like a magnet new industries and new jobs. We have to anchor universities in North Dakota--North Dakota State University and the University of North Dakota. But those universities have access to opportunities from every other university in the state as well and every other college in the state. And I suggested that we use these anchor universities to create a research corridor that has tentacles to every other college in the state. A good example of that is research money that I got for NDSU dealing with food security which has now created an alliance with Dickinson State University. So we have two colleges with NDSU in the lead, with Dickinson State University benefited, from the capability to do research on food security issues, which by the way, are very important in the advent of the terrorist threat against our country. That is one example. But most of what I have been doing is through my work on defense appropriations and I have been meeting with companies that are doing research, especially defense research that has commercial application--Alien Corporation. I met with the CEO of the Alien Corporation about two and a half years ago and put research money into a piece of legislation in an appropriations bill to do microsensor research that the Defense Department wanted to do with Alien Corporation and they are doing it now in Fargo, North Dakota, at North Dakota State University. That company in California is now thinking of building a manufacturing plant to locate its manufacturing with its research. I met with the head of Tesoro Corporation, the head of Symix Corporation, Signal Corporation, and others. All of which are now doing research at North Dakota State University. Alomerst and Codings, anno technology and micro technology. We are working with technology that has circuit boards the size of a speck of pepper. Take a dime. Inside the dime is written out "DIME". Look at the space inside the little "D" and visualize that you can put 15 to 20 circuit boards inside that tiny space. Yes, each of those specks are circuit boards and they have massive applications for both our Defense Department which has initiated the research and also for commercial application. Why the Gillette Corporation has just ordered 50 million smart tags from the Alien Corporation and they are going to have to manufacture them from someplace and it is going to be our future. These little circuit bags with something called - circuit tags, rather, with something called full-self assembly, will be attached to everything in the future. Every piece of inventory in the Department of Defense will have one on it--a low-frequency identifier. Every can of pop that you get out of a pop machine is going to have one on it. Tell somebody that zaps it with some energy, here is who I am. Here was when I was bottled or here is when I was canned. Here is the pressure I am under. It is the future. It is micro anno technology, and it is here and we are building a center of excellence in North Dakota that I think will result in substantial new jobs and new opportunities. I want to mention to you that it does not increase federal spending one cent. All of this is within the budget line. We establish budget lines by function. But earmarks simply determine where it is spent, not how much is spent. We ought not to be bashful about getting our share of research. We have young men and women at our universities engaged in significant cutting edge research, rather than have them travel to Denver and Minneapolis in order to find the jobs to do the research. I have written about \$100 million in earmarked corporations for that research which I am convinced in the next 3, 5, and 10 years is going to result in a congregation of new companies and new jobs that is going to center around yes, UND and NDSU, but also other colleges that are going to be engaged in tentacles to that research.

We have a great state with a great opportunity, but we face also very great challenges. There is an urgency about what is happening in our country and our state, especially in the heartland. And there is a crisis about what is happening in North Dakota. Of all of the states I have mentioned who suffer from the relentless outmigration, none suffer as much as our state. Our state leads the pack by far and we ignore at our peril. Some want to pretend that it does not exist, some want to pretend that it can be business as usual. Some want to be like Aesop's blight on an axle of a chariot observing what dust I do raise. Don't work any more. It just will not work. There has to be a partnership, in my judgment, with the federal government doing bold, aggressive things and with you doing bold, aggressive things. Doing nothing is not an option for this state's future. It just is not. I recognize you have massive challenges. I would not minimize them. You do not have the luxury of the United States Congress. We introduce a piece of legislation, we do not have the foggiest idea whether it is ever going to get a hearing. We do not have any idea whether somebody is going to bring it up at some point. You have no idea whether you will ever get to vote on it. You come here in a very short period of time. You have got to put it all together. You move a massive amount of legislation for a very short period of time. That is a big challenge. I respect that challenge, but I do want to say that as I look, and as Senator Hagel and my colleagues look, at what is happening in the heartland, it is time when we read these articles and it is time for us - all of us - to say that we are going to fight back. This is too good a place to lose. We have too much here not to make sure that we build. We can reclaim the heartland with right public policies, aggressive public policies, full public policies. Temburg once said I see America not in the setting sun of the black night of despair, he said I see America in the crimson light of the rising sun fresh from the burning creative hand of God. We must be positive. I do not mean to talk about our problems and say, woe is us, we cannot solve it. Of course we can solve them. There are not Americans better prepared to solve the problem here in the heartland than those of us who live in the heartland. The bold initiatives address a crisis. Thank you very much.

MOTION

SEN. O'CONNELL MOVED that the remarks of Senator Dorgan be printed in the Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2012: A BILL for an Act to provide an appropriation for defraying the expenses of the department of human services; to provide for the transfer of appropriation authority between agencies and institutions; to provide a statement of legislative intent; and to declare an emergency.

MOTION

SEN. TALLACKSON MOVED that Engrossed SB 2012 be amended as follows:

Page 2, line 18, replace "40,808,116" with "41,308,116"

Page 2, line 19, replace "189,423,801" with "189,923,801"

Page 2, line 21, replace "86,195,773" with "86,695,773"

Page 2, line 22, replace "362,336,976" with "362,836,976"

Page 2, line 24, replace "1,476,841,327" with "1,477,341,327"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Dept. 325 - Department of Human Services

This amendment restores \$500,000 of the \$1 million general fund reduction included in the Senate Appropriations Committee amendments for the Developmental Center.

REQUEST

SEN. TALLACKSON REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2012, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SB 2012, the roll was called and there were 17 YEAS, 28 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bercier; Christenson; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; Nichols; O'Connell; Polovitz; Robinson; Seymour; Tallackson; Taylor; Trenbeath

NAYS: Andrist; Bowman; Brown; Christmann; Cook; Erbele; Espgaard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Schobinger; Stenehjem; Syverson; Thane; Tollefson; Traynor; Urlacher; Wardner

ABSENT AND NOT VOTING: Dever; Klein

The proposed amendments to Engrossed SB 2012 failed.

MOTION

SEN. MATHERN MOVED that Engrossed SB 2012 be amended as follows:

Page 1, line 14, replace "34,066,362" with "34,298,710"

Page 1, line 17, replace "47,358,043" with "47,590,391"

Page 1, line 18, replace "33,134,565" with "33,250,739"

Page 1, line 19, replace "14,223,478" with "14,339,652"

Page 1, line 23, replace "38,456,409" with "38,888,109"

Page 2, line 1, replace "288,492,803" with "288,809,803"

Page 2, line 2, replace "890,942,979" with "900,247,400"

Page 2, line 3, replace "1,240,009,483" with "1,250,062,604"

Page 2, line 4, replace "978,141,758" with "984,937,318"

Page 2, line 5, replace "261,867,725" with "265,125,286"

Page 2, line 22, replace "362,336,976" with "365,710,711"

Page 2, line 23, replace "1,114,504,351" with "1,121,416,085"

Page 2, line 24, replace "1,476,841,327" with "1,487,126,796"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Dept. 325 - Department of Human Services

This amendment restores funding included in the executive budget for a prescription drug assistance program for senior citizens as follows:

	GENERAL FUND	ESTIMATED INCOME	TOTAL
Administration - Support subdivision			
Operating expenses	\$116,174	\$116,174	\$232,348
Program/Policy management subdivision			
Operating expenses	117,925	313,775	431,700
Grants	158,500	158,500	317,000
Grants - Medical assistance	<u>2,981,136</u>	<u>6,323,285</u>	<u>9,304,421</u>
Total	\$3,373,735	\$6,911,734	\$10,285,469

REQUEST

SEN. MATHERN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2012, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SB 2012, the roll was called and there were 16 YEAS, 30 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bercier; Christenson; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; Nichols; O'Connell; Polovitz; Robinson; Seymour; Tallackson; Taylor

NAYS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Schobinger; Stenehjem; Syverson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Klein

The proposed amendments to Engrossed SB 2012 failed.

MOTION

SEN. KRAUTER MOVED that Engrossed SB 2012 be amended as follows:

Page 1, line 18, replace "33,134,565" with "31,634,565"

Page 1, line 19, replace "14,223,478" with "15,723,478"

Page 1, line 23, replace "38,456,409" with "38,656,409"

Page 2, line 1, replace "288,492,803" with "288,676,903"

Page 2, line 2, replace "890,942,979" with "929,153,724"

Page 2, line 3, replace "1,240,009,483" with "1,278,604,328"

Page 2, line 4, replace "978,141,758" with "999,432,848"

Page 2, line 5, replace "261,867,725" with "279,171,480"

Page 2, line 17, replace "41,931,048" with "43,931,048"

Page 2, line 18, replace "40,808,116" with "41,808,116"

Page 2, line 19, replace "189,423,801" with "192,423,801"

Page 2, line 21, replace "86,195,773" with "89,195,773"

Page 2, line 22, replace "362,336,976" with "384,140,731"

Page 2, line 23, replace "1,114,504,351" with "1,134,295,441"

Page 2, line 24, replace "1,476,841,327" with "1,518,436,172"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Dept. 325 - Department of Human Services

This amendment adds \$41,594,845, of which \$21,803,755 is from the general fund and \$19,791,090 is federal funds as follows:

	GENERAL FUND	ESTIMATED INCOME	TOTAL
Administration Support Changes:			
Restores the general fund support replaced with special or federal funds in the amendments approved by the Senate Appropriations Committee	\$1,500,000	(\$1,500,000)	
Program/Policy Changes:			
Medical Services Program			
Restores the general fund support replaced with special or federal funds in the amendments approved by the Senate Appropriations Committee	\$4,000,000	(\$4,000,000)	
Restores funding to allow individuals who work more than 100 hours a month to retain eligibility for medical assistance	4,100,000	8,800,000	12,900,000
Restores funding for the following optional medical assistance services:			
Durable medical equipment	984,480	2,088,880	3,073,360
Optometric	397,067	842,509	1,239,576

Psychological	149,381	316,955	466,336
Restores funding for prescription drugs in the medical assistance program to the level recommended by the Governor	2,880,000	6,120,000	9,000,000
Adds funding for an additional 50-cent per hour salary increase to provide a total increase of \$1 per hour for employees of developmental disabilities services providers	2,613,822	5,132,296	7,746,118
Long-Term Care Program			
Restores funding to increase nursing facility payment limits for direct care costs from the 85th to the 90th percentile	787,019	1,669,344	2,456,363
Adds funding to provide a 2.3 percent annual inflationary increase for qualified service providers	1,007,886	321,106	1,328,992
Aging Services Program			
Restores funding for telecommunications equipment for the elderly	200,000		200,000
Children and Family Services Program			
Restores funding for foster care transportation	15,000		15,000
Restores funding for the Native American Training Institute	27,000		27,000
Provides additional funding for subsidized guardianship services	<u>142,100</u>		<u>142,100</u>
Total Senate Changes - Program/Policy	<u>\$17,303,755</u>	<u>\$21,291,090</u>	<u>\$38,594,845</u>
State Hospital - Senate Changes			
Restores funding removed by the Senate Appropriations Committee amendments	<u>\$2,000,000</u>		<u>\$2,000,000</u>
Developmental Center - Senate Changes			
Restores funding removed by the Senate Appropriations Committee amendments	<u>\$1,000,000</u>		<u>\$1,000,000</u>
Total Changes	\$21,803,755	\$19,791,090	\$41,594,845

REQUEST

SEN. KRAUTER REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2012, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SB 2012, the roll was called and there were 16 YEAS, 30 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bercier; Christenson; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; Nichols; O'Connell; Polovitz; Robinson; Seymour; Tallackson; Taylor

NAYS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Schobinger; Stenehjem; Syverson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Klein

The proposed amendments to Engrossed SB 2012 failed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 34 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mathern; Mutch; Nething; Nichols; Schobinger; Seymour; Stenehjem; Syverson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

NAYS: Bercier; Christenson; Every; Fairfield; Heitkamp; Krauter; Lindaas; Nelson; O'Connell; Polovitz; Robinson; Tallackson

ABSENT AND NOT VOTING: Klein

Engrossed SB 2012 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 1:30 p.m., which motion prevailed.

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

CONSIDERATION OF AMENDMENTS

SB 2015: SEN. HOLMBERG (Appropriations Committee) MOVED that the amendments on SJ pages 539-541 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2015: A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget; to provide for various transfers and financial transactions; to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code; to amend and reenact section 57-51.1-07.2 of the North Dakota Century Code, relating to suspending payments into the permanent oil tax trust fund; to prohibit the payment of bonuses or temporary salary adjustments for extra working hours because of the legislative session; to provide a statement of legislative intent; and to provide an expiration date.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espeguard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Klein

Engrossed SB 2015 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2285: SEN. GRINDBERG (Appropriations Committee) MOVED that the amendments on SJ pages 543-545 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion failed.

SECOND READING OF SENATE BILL

SB 2285: A BILL for an Act to amend and reenact subsection 2 of section 53-06.2-11 of the North Dakota Century Code, relating to the parimutuel tax levied upon wagers.

MOTION

SEN. GRINDBERG MOVED that SB 2285 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 53-06.2-11 of the North Dakota Century Code, relating to the parimutuel tax levied upon wagers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 53-06.2-11 of the North Dakota Century Code is amended and reenacted as follows:

53-06.2-11. Bet payoff formulas - Uses by licensee of funds in excess of expenses - Payment to general fund.

1. For each day of a live race meet or a simulcast day in this state on win, place, and show parimutuel pools, the licensee shall deduct up to twenty percent of the total win, place, and show pool. ~~The licensee may retain seventeen percent for expenses.~~ One-half of one percent must be paid to the North Dakota racing commission to be used for the North Dakota purse fund. One-half of one percent must be paid to the North Dakota racing commission to be used for the North Dakota breeders' fund for the respective breed of horses racing at that meet. ~~The remaining~~ On the first

five million dollars of total wagering handle in each calendar year, two percent must be paid to the state treasurer to be deposited in the general fund. On the next ninety-five million dollars of total wagering handle in each calendar year, two percent must be paid to the state treasurer to be deposited in the general fund. On the total wager handle in excess of one hundred million dollars in each calendar year, one and one-half percent must be paid to the state treasurer to be deposited in the general fund.

2. For each day of a live race meet or a simulcast day in this state for each daily double, quinella, exacta, trifecta, or other wager combining two or more horses for winning payoffs, the licensee shall deduct up to twenty-five percent of each wagering pool. ~~Of this amount, the licensee may retain twenty-one percent for expenses. One-half~~ Of each wagering dollar, the amounts to be deposited in the general fund and other funds are as follows:
 - a. On the first five million dollars of wagering handle in each calendar year, one-half of one percent must be paid to the commission to be deposited in the purse fund. ~~One-half; one-half~~ of one percent must be paid to the commission to be deposited in the promotion fund. ~~One-half; one-half~~ of one percent must be paid to the commission to be deposited in the breeders' fund. ~~The remaining; and~~ two and one-half percent must be paid to the state treasurer to be deposited in the general fund.
 - b. On the next ninety-five million dollars of wagering handle in each calendar year, one-half of one percent must be paid to the commission to be deposited in the purse fund; one-half of one percent must be paid to the commission to be deposited in the promotion fund; one-half of one percent must be paid to the commission to be deposited in the breeders' fund; and one percent must be paid to the state treasurer to be deposited in the general fund.
 - c. On wagering handle in excess of one hundred million dollars in each calendar year, one-third of one percent must be paid to the commission to be deposited in the purse fund; one-third of one percent must be paid to the commission to be deposited in the promotion fund; one-third of one percent must be paid to the commission to be deposited in the breeders' fund; and one percent must be paid to the state treasurer to be deposited in the general fund.
3. Unclaimed tickets and breakage from each live race meet and simulcast program as defined by the commission and the percentage of the wagering pool to be paid to the racing promotion fund under subsections 1 and 2 must be retained by the commission in a special fund to assist in improving and upgrading racetracks in the state, for the promotion of horse racing within the state, and in developing new racetracks in the state as necessary and approved by the commission. Notwithstanding this section, the commission may, upon approval of the attorney general, receive no more than twenty-five percent of this fund for the purpose of payment of operating expenses of the commission.
4. The licensee conducting a live race meet or simulcast program shall retain all other money in the parimutuel pool and pay it to bettors holding winning tickets as provided by rules adopted by the commission.
5. A licensee may not use any of the portion deducted for expenses under subsections 1 and 2 for expenses not directly incurred by the licensee in conducting parimutuel racing under the certificate system. After paying qualifying expenses, the licensee shall use the remainder of the amount so withheld only for eligible uses allowed to charitable gambling organizations under subsection 2 of section 53-06.1-11.
6. The racing commission shall deposit the moneys received pursuant to subsections 1, 2, and 3 and from the North Dakota horse racing foundation pursuant to subsection 5 of section 53-06.2-05 in three special funds in the state treasury. These funds must be known as the breeders' fund, the purse fund, and the racing promotion fund. Moneys, and any earnings on the moneys, in the breeders' fund, purse fund, and racing promotion fund

are appropriated to the commission on a continuing basis to carry out the purposes of those funds under this chapter and must be administered and disbursed in accordance with rules adopted by the commission."

Renumber accordingly

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 35 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; Robinson; Schobinger; Seymour; Stenehjem; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Wardner

NAYS: Bercier; Bowman; Christenson; Every; Fairfield; Kilzer; Krauter; O'Connell; Polovitz; Syverson; Urlacher

ABSENT AND NOT VOTING: Klein

Engrossed SB 2285 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2299: SEN. KREBSBACH (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 545-547 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2299: A BILL for an Act to amend and reenact sections 37-15-07, 37-15-10.1, and 37-18.1-03 of the North Dakota Century Code, relating to the administrator of the veterans' home and priorities for admission to the veterans' home; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Klein

Engrossed SB 2299 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2320: SEN. CHRISTENSON (Political Subdivisions Committee) MOVED that the amendments on SJ page 551 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2320: A BILL for an Act to amend and reenact subsection 75 of section 40-05-01 of the North Dakota Century Code, relating to the powers of a city governing body.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Kringstad; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson;

Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

NAYS: Cook; Lee, G.

ABSENT AND NOT VOTING: Klein

Engrossed SB 2320 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2360: SEN. GRINDBERG (Appropriations Committee) MOVED that the amendments on SJ page 551 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2360: A BILL for an Act to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to a loan program to assist students in truckdriver training programs; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 34 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Brown; Christenson; Christmann; Dever; Erbele; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Mathern; Nelson; Nething; Nichols; O'Connell; Robinson; Schobinger; Tallackson; Taylor; Thane; Traynor; Wardner

NAYS: Bowman; Cook; Espegard; Lyson; Mutch; Polovitz; Seymour; Stenehjem; Syverson; Tollefson; Trenbeath; Urlacher

ABSENT AND NOT VOTING: Klein

Engrossed SB 2360 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2403: SEN. WARDNER (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 551-552 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2403: A BILL for an Act to create and enact three new sections to chapter 16.1-08.1 of the North Dakota Century Code, relating to campaign contribution statements; and to amend and reenact sections 16.1-08.1-01, 16.1-08.1-02, 16.1-08.1-03, 16.1-08.1-03.1, 16.1-08.1-03.2, 16.1-08.1-03.3, 16.1-08.1-03.5, 16.1-08.1-03.7, 16.1-08.1-03.8, 16.1-08.1-04, 16.1-08.1-05, and 16.1-08.1-06 of the North Dakota Century Code, relating to campaign contributions.

REQUEST

SEN. NELSON REQUESTED that the Senate divide Engrossed SB 2403, which request was granted.

DIVISION A: Page 12, lines 18 through 30.

DIVISION B: The remainder of the bill.

REQUEST

SEN. EVERY REQUESTED a recorded roll call vote on Division A of Engrossed SB 2403, which request was granted.

ROLL CALL

The question being on the final adoption of Division A of Engrossed SB 2403, the roll was called and there were 31 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson;

Mutch; Nething; Schobinger; Seymour; Stenehjem; Syverson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

NAYS: Bercier; Christenson; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; Nichols; O'Connell; Polovitz; Robinson; Tallackson; Taylor

ABSENT AND NOT VOTING: Klein

Division A of Engrossed SB 2403 passed.

The question being on the final adoption of Division B of Engrossed SB 2403, the motion passed on a voice vote.

Division B of Engrossed SB 2403 passed.

Therefore, Engrossed SB 2403 includes Division A and Division B.

ROLL CALL

The question being on the final passage of the amended bill, which includes Division A and Division B and which has been read, the roll was called and there were 30 YEAS, 16 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espesgard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Schobinger; Stenehjem; Syverson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

NAYS: Bercier; Christenson; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; Nichols; O'Connell; Polovitz; Robinson; Seymour; Tallackson; Taylor

ABSENT AND NOT VOTING: Klein

Engrossed SB 2403 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2416: SEN. THANE (Appropriations Committee) MOVED that the amendments on SJ pages 552-553 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2416: A BILL for an Act to provide an appropriation for capital projects of the state historical society of North Dakota; to authorize the industrial commission to issue and sell bonds for capital projects; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Dever; Erbele; Espesgard; Every; Fairfield; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Wardner

NAYS: Cook; Freborg; Mutch; Stenehjem; Urlacher

ABSENT AND NOT VOTING: Klein

Engrossed SB 2416 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2418: SEN. COOK (Education Committee) MOVED that the amendments on SJ page 553 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2418: A BILL for an Act to create an investigating committee regarding implementation of the No Child Left Behind Act of 2001; 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 45 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

NAYS: O'Connell

ABSENT AND NOT VOTING: Klein

Engrossed SB 2418 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

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

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

CONSIDERATION OF AMENDMENTS

SB 2314: SEN. TOLLEFSON (Finance and Taxation Committee) MOVED that the amendments on SJ pages 547-551 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2314: A BILL for an Act to amend and reenact sections 57-38-30, 57-39.2-02.1, 57-39.2-08.2, 57-40.2-02.1, and 57-40.3-02 of the North Dakota Century Code, relating to corporate income tax rates and sales, use, and motor vehicle excise tax rates; to repeal sections 57-39.2-12.1 and 57-40.2-07.1 of the North Dakota Century Code, relating to a deduction to reimburse retailers for administrative expenses of sales and use tax collection; to provide for a legislative council study; to provide an effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 26 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Dever; Erbele; Espegard; Fischer; Flakoll; Grindberg; Holmberg; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Schobinger; Stenehjem; Syverson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

NAYS: Bercier; Christenson; Cook; Every; Fairfield; Freborg; Heitkamp; Kilzer; Krauter; Lindaas; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Seymour; Tallackson; Taylor

ABSENT AND NOT VOTING: Klein

Engrossed SB 2314 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SCR 4012: SEN. SYVERSON (Finance and Taxation Committee) MOVED that the amendments on SJ page 553 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4012: A concurrent resolution establishing an official state wind power development objective of 10,000 megawatts of installed turbine capacity to be achieved by the year

2020 and directing all state departments, agencies, and commissions to adopt this official objective for planning and policy development purposes.

REQUEST

SEN. CHRISTMANN REQUESTED a recorded roll call vote on the motion to adopt Engrossed SCR 4012, which request was granted.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, the roll was called and there were 19 YEAS, 27 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bercier; Christenson; Every; Fairfield; Heitkamp; Holmberg; Krauter; Lindaas; Mathern; Nelson; Nichols; Polovitz; Robinson; Seymour; Syverson; Taylor; Thane; Trenbeath; Urlacher

NAYS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Kilzer; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; O'Connell; Schobinger; Stenehjem; Tallackson; Tollefson; Traynor; Wardner

ABSENT AND NOT VOTING: Klein

Engrossed SCR 4012 lost.

SECOND READING OF SENATE BILL

SB 2275: A BILL for an Act to amend and reenact section 26.1-41-13 of the North Dakota Century Code, relating to coordination of benefits for automobile insurance; to repeal chapter 26.1-41 of the North Dakota Century Code, relating to motor vehicle no-fault insurance; to provide for a legislative council study; 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, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Seymour; Syverson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

NAYS: Lyson; Mathern; Stenehjem; Tallackson

ABSENT AND NOT VOTING: Klein; Schobinger

Reengrossed SB 2275 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2153: A BILL for an Act to create and enact a new chapter to title 57 of the North Dakota Century Code, relating to a provider assessment for intermediate care facilities for the mentally retarded; 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 35 YEAS, 8 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mutch; Nething; Polovitz; Schobinger; Seymour; Stenehjem; Syverson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

NAYS: Bercier; Fairfield; Heitkamp; Krauter; Mathern; O'Connell; Robinson; Tallackson

ABSENT AND NOT VOTING: Every; Klein; Nelson; Nichols

Engrossed SB 2153 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2307: A BILL for an Act to create an enact a new section to chapter 57-36 of the North Dakota Century Code, relating to matching grants for public health agencies for school health services projects; to amend and reenact section 57-36-32 of the North Dakota Century Code, relating to the rate of tax on the sale of cigarettes; to provide a continuing appropriation; 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 23 YEAS, 23 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Christenson; Dever; Espegard; Every; Fairfield; Flakoll; Grindberg; Heitkamp; Holmberg; Krauter; Lee, G.; Lindaas; Lyson; Mathern; Nelson; Nichols; Polovitz; Robinson; Seymour; Syverson; Tallackson; Taylor; Wardner

NAYS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; Erbele; Fischer; Freborg; Kilzer; Krebsbach; Kringstad; Lee, J.; Mutch; Nething; O'Connell; Schobinger; Stenehjem; Thane; Tollefson; Traynor; Trenbeath; Urlacher

ABSENT AND NOT VOTING: Klein

Engrossed SB 2307 lost.

SECOND READING OF SENATE BILL

SB 2089: A BILL for an Act to amend and reenact section 50-24.1-17 of the North Dakota Century Code, relating to medical assistance for breast or cervical cancer; to provide an effective 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 PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Dever; Klein

SB 2089 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2300: A BILL for an Act to provide for a legislative council study of the future role 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 NOT PASS, the roll was called and there were 14 YEAS, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bercier; Christenson; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; Nichols; O'Connell; Robinson; Seymour; Taylor

NAYS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Polovitz; Schobinger; Stenehjem; Syverson; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Klein

SB 2300 lost.

SECOND READING OF SENATE BILL

SB 2025: A BILL for an Act to provide an appropriation for defraying certain medical assistance expenses of the department of human services; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Flakoll; Freborg; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Syverson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

NAYS: Fischer; Grindberg; Mutch; Stenehjem; Tallackson

ABSENT AND NOT VOTING: Klein

SB 2025 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

SEN. BERCIER MOVED that the Senate reconsider its action whereby Engrossed SB 2307 failed to pass, which motion lost on a verification vote.

SECOND READING OF SENATE BILL

SB 2028: A BILL for an Act to amend and reenact subsection 6 of section 53-06.2-05 and section 53-06.2-08 of the North Dakota Century Code, relating to the use of racing commission fee collections.

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

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Fairfield; Klein

SB 2028 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2241: A BILL for an Act to create and enact a new section to section 16.1-08.1 of the North Dakota Century Code, relating to the filing of statements for expenditures for political purposes; and to amend and reenact subsections 2, 3, and 5 of section 16.1-08.1-01, subsection 2 of section 16.1-08.1-02, subsection 1 of section 16.1-08.1-03, subsection 1 of section 16.1-08.1-03.1, subsection 3 of section 16.1-08.1-03.3, and subsection 2 of section 16.1-08.1-03.8 of the North Dakota Century Code, relating to the definition of a candidate and a contribution and reporting of campaign contributions.

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 16 YEAS, 30 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bercier; Christenson; Every; Fairfield; Heitkamp; Holmberg; Krauter; Lindaas; Mathern; Nelson; Nichols; O'Connell; Robinson; Seymour; Tallackson; Taylor

NAYS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Kilzer; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Polovitz; Schobinger; Stenehjelm; Syverson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Klein

SB 2241 lost.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4021: A concurrent resolution directing the Legislative Council to study changing the mission of the State Hospital from one of caring for individuals with mental illness and individuals with drug and alcohol addictions and develop legislation to change the role to a mission of caring for and housing inmates with mental illness and drug and alcohol addictions and conducting offender assessments, transferring the authority for the State Hospital facilities from the Department of Human Services to the Department of Corrections and Rehabilitation, and requiring the Department of Human Services to contract with mental health care providers and up to four regional hospitals to provide for the care of individuals with mental illness and drug and alcohol addictions.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

SCR 4021 was declared lost on a voice vote.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Cook, Chairman)** has approved the introduction of a bill for an Act to amend and reenact subsection 5 of section 61-28-02, subsections 1 and 3 of section 61-28-06, section 61-28-07, and subsection 5 of section 61-28-08 of the North Dakota Century Code, relating to penalties for violating injunctive orders preventing Clean Water Act violations, to clarify the state's authority to seek injunctive relief against governmental entities that violate water quality standards of the state, and authority of the state to protect water quality from degradation; to provide a penalty; and to declare an emergency.

The bill will be SB 2419.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Cook, Chairman)** has approved the introduction of a resolution honoring Mr. Everett C. Albers for his unswerving devotion to bringing the humanities to the people of this state.

The resolution will be SCR 4036.

MOTION

SEN. CHRISTMANN MOVED that the rules be suspended and that the Secretary of the Senate transmit all bills and resolutions passed today to the House immediately, which motion prevailed.

REQUEST

SEN. CHRISTMANN REQUESTED that his announcement be printed in the Journal, which request was granted.

ANNOUNCEMENT BY ASSISTANT MAJORITY LEADER CHRISTMANN

Monday, January 20, 2003, was Martin Luther King Day and Monday, February 17, 2003, was George Washington's Birthday, both official state holidays. Although both days were paid holidays for most state employees, Legislative Assembly employees were required to work on both days. The Legislative Assembly will be in recess on Monday and Tuesday, February 24-25, 2003. Furthermore, employees of the Senate have also worked many hours of uncompensated overtime since the session began. In recognition of the uncompensated overtime, employees of the Senate will be paid for Friday, February 21, 2003, even though the Senate will be in recess that day.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2013, SB 2022, SB 2026, SB 2052, SB 2065, SB 2154, SB 2222, SB 2282, SB 2297, SB 2311, SB 2335, SB 2344, SB 2380, SB 2394, SB 2398, SB 2405, SB 2410.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2015, SB 2028, SB 2083, SB 2086, SB 2153, SB 2244, SB 2248, SB 2252, SB 2258, SB 2259, SB 2272, SB 2275, SB 2285, SB 2314, SB 2320, SB 2331, SB 2348, SB 2358, SB 2360, SB 2368, SB 2403.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2008, SB 2019, SB 2074, SB 2249, SB 2409.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2012, SB 2025, SB 2089, SB 2299, SB 2346, SB 2416, SB 2418.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1002, HB 1004, HB 1006, HB 1007, HB 1008, HB 1009, HB 1010, HB 1012, HB 1013, HB 1017, HB 1018, HB 1019, HB 1020, HB 1021, HB 1023, HB 1047, HB 1072, HB 1086, HB 1207, HB 1218, HB 1231, HB 1245, HB 1268, HB 1271, HB 1282, HB 1350, HB 1358, HB 1359, HB 1362, HB 1397, HB 1403, HB 1431, HB 1434, HB 1435, HB 1439, HB 1486, HB 1488, HB 1497, HB 1011.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1001, HB 1003, HB 1005, HB 1014, HB 1015, HB 1016, HB 1022, HB 1430.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1500.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3038, HCR 3041, HCR 3051.

MOTION

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

MOTION

SEN. CHRISTMANN 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 1:00 p.m., Wednesday, February 26, 2003, which motion prevailed.

FIRST READING OF SENATE BILL

Sens. Stenehjem, Christmann, Heitkamp and Reps. Berg, Boucher, Drovdal introduced:
(Approved by the Delayed Bills Committee)

SB 2419: A BILL for an Act to amend and reenact subsection 5 of section 61-28-02, subsections 1 and 3 of section 61-28-06, section 61-28-07, and subsection 5 of section 61-28-08 of the North Dakota Century Code, relating to penalties for violating injunctive orders preventing Clean Water Act violations, to clarify the state's authority to seek injunctive relief against governmental entities that violate water quality standards of the state, and authority of the state to protect water quality from degradation; to provide a penalty; and to declare an emergency.

Was read the first time and referred to the **Natural Resources Committee**.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Trenbeath introduced:
(Approved by the Delayed Bills Committee)

SCR 4036: A resolution honoring Mr. Everett C. Albers for his unswerving devotion to bringing the humanities to the people of this state.

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

FIRST READING OF HOUSE BILLS

HB 1004: A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health; to create and enact a new section to chapter 23-01 of the North Dakota Century Code, relating to the state department of health combining purchasing with or on behalf of local public health units; to provide a continuing appropriation; to provide a statement of legislative intent; and to provide for a legislative council study.

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

HB 1006: A BILL for an Act to provide an appropriation for defraying the expenses of the aeronautics commission.

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

HB 1009: A BILL for an Act to provide an appropriation for defraying the expenses of the state fair association.

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

HB 1200: A BILL for an Act to provide an appropriation to the department of human services for nursing facility medical assistance payments; and to declare an emergency.

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

HB 1397: A BILL for an Act to create and enact a new section to chapter 15.1-35 of the North Dakota Century Code, relating to contracts for the preparation and provision of meals.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3001: A concurrent resolution authorizing the Budget Section of the Legislative Council to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants passed by Congress.

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

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

WILLIAM R. HORTON, Secretary