

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

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Bismarck, February 20, 1997

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

The prayer was offered by Pastor Kermit Culver, First United Methodist Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President Pro Tem.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2013, SB 2198, SB 2240.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3011, HCR 3015, HCR 3026, HCR 3028, HCR 3029, HCR 3033, HCR 3034, HCR 3037, HCR 3038, HCR 3039.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1017, HB 1021, HB 1026, HB 1076, HB 1078, HB 1137, HB 1138, HB 1139, HB 1140, HB 1141, HB 1151, HB 1153, HB 1188, HB 1193, HB 1262, HB 1263, HB 1264, HB 1267, HB 1268, HB 1269, HB 1270, HB 1310, HB 1340, HB 1383, HB 1387, HB 1440, HB 1448, HB 1471, HB 1476.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1027, HB 1067, HB 1163, HB 1164, HB 1167, HB 1172, HB 1180, HB 1182, HB 1187, HB 1191, HB 1202, HB 1215, HB 1222, HB 1237, HB 1255, HB 1257, HB 1299, HB 1333, HB 1351, HB 1353, HB 1368, HB 1371, HB 1385, HB 1388, HB 1396, HB 1399, HB 1403, HB 1413, HB 1424, HB 1445, HB 1456, HB 1468.

CONSIDERATION OF AMENDMENTS

SB 2016, as engrossed: SEN. ST. AUBYN (Appropriations Committee) MOVED that the amendments on SJ pages 465-469 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2016: A BILL for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; to create and enact a new section to chapter 15-40.1 and a new subsection to section 15-40.2-08 of the North Dakota Century Code, relating to payment of tuition in cases of residential placements and to the transfer of funds appropriated for foundation aid; to provide legislative intent; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: DeMers; Kelsh; LaFountain; Mathern; Nelson, C.; O'Connell; Redlin; Thompson; Yockim

Reengrossed SB 2016 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

SEN. GOETZ MOVED that SB 2350, which is on the Eleventh order, be moved to the top of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2350: A BILL for an Act to amend and reenact section 12-47-01 of the North Dakota Century Code, relating to affiliated facilities of the penitentiary.

MOTION

SEN. MATHERN MOVED that SB 2350 be amended as follows:

Page 1, line 11, after "if" insert "the superintendent of the state hospital determines"

Renumber accordingly

REQUEST

SEN. HEITKAMP REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2350, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2350, the roll was called and there were 13 YEAS, 36 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Kelsh; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; Redlin; Robinson; Tallackson; Thompson; Yockim

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

The proposed amendments to SB 2350 failed.

MOTION

SEN. G. NELSON MOVED that the question be put at 8:38 a.m., which motion prevailed.

ROLL CALL

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

YEAS: Berg; DeMers; Kelsh; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; Redlin; Robinson; Tallackson; Thompson; Yockim

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

SB 2350 lost.

CONSIDERATION OF AMENDMENTS

SB 2002: SEN. NETHING (Appropriations Committee) MOVED that the amendments on SJ pages 457-461 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2002: A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code; and to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to salaries of supreme and district court judges.

ROLL CALL

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

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

Engrossed SB 2002 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2012: SEN. SOLBERG (Appropriations Committee) MOVED that the amendments on SJ pages 461-465 be adopted and then be placed on the Eleventh order with **DO PASS**.

REQUEST

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

DIVISION A: That part of the proposed amendments to SB 2012 consisting of Section 4.

DIVISION B: The remainder of the proposed amendments to SB 2012.

REQUEST

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

ROLL CALL

The question being on the adoption of Division A of the proposed amendments to SB 2012, the roll was called and there were 11 YEAS, 38 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Goetz; Holmberg; Lee; Nalewaja; Nelson, G.; Nething; O'Connell; Sand; Solberg; St. Aubyn; Traynor

NAYS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Grindberg; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nelson, C.; Redlin; Robinson; Schobinger; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Watne; Wogsland; Yockim

Division A of the proposed amendments to SB 2012 failed.

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

The proposed amendments to SB 2012, excluding Division A and including Division B, were adopted on a voice vote. Engrossed SB 2012 was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2012: A BILL for an Act to make an appropriation for defraying the expenses of the various divisions under the supervision of the director of the department of transportation.

ROLL CALL

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

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

NAYS: Yockim

Engrossed SB 2012 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that SB 2019, which is on the Sixth order, be moved to the foot of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2062: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ page 472 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2062: A BILL for an Act to amend and reenact section 27-25-04 of the North Dakota Century Code, relating to appointments to fill vacancies in judicial offices.

ROLL CALL

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

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

Engrossed SB 2062 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2153: SEN. WATNE (Judiciary Committee) MOVED that the amendments on SJ page 472 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2153: A BILL for an Act to create and enact section 12.1-20-03.1 of the North Dakota Century Code, relating to sexual abuse of certain minors; to amend and reenact section 12-60-16.6, subsection 11 of section 12.1-32-02, subsection 3 of section 12.1-32-06.1, subsection 1 of section 12.1-32-15, subsection 6 of section 27-20-51, sections 31-04-04.1, and 31-13-03 of the North Dakota Century Code, relating to information, sentencing, and evidence; and to provide a penalty.

ROLL CALL

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

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

Engrossed SB 2153 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2174: SEN. NETHING (Appropriations Committee) MOVED that the amendments on SJ pages 472-473 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2174: A BILL for an Act to provide an appropriation for county and city snow removal; 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 20 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Freborg

Engrossed SB 2174 lost.

CONSIDERATION OF AMENDMENTS

SB 2189: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ page 473 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2189: A BILL for an Act to create and enact a new section to chapter 16.1-08.1 of the North Dakota Century Code, relating to limitations on campaign contributions to legislative candidates; 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 19 YEAS, 30 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

Engrossed SB 2189 lost.

CONSIDERATION OF AMENDMENTS

SB 2225: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ page 473 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2225: A BILL for an Act to create and enact a new section to chapter 16.1-08.1 of the North Dakota Century Code, relating to the acceptance of campaign contributions by a candidate from federal campaign committee accounts or from contributions made to other candidates or former candidates.

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

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

NAYS: Berg; Heitkamp; Nelson, C.; Robinson; Wogsland

Engrossed SB 2225 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2230: SEN. WATNE (Judiciary Committee) MOVED that the amendments on SJ pages 473-474 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2230: A BILL for an Act to amend and reenact sections 14-03-01 and 14-03-08 of the North Dakota Century Code, relating to the definition of marriage and the recognition of a foreign marriage; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 6 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Berg; DeMers; LaFountain; Mathern; Nelson, C.; Yockim

Engrossed SB 2230 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2246: SEN. TOMAC (Finance and Taxation Committee) MOVED that the amendments on SJ pages 474-476 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2246: A BILL for an Act to amend and reenact section 57-38-30.3 of the North Dakota Century Code, relating to individual income tax determination under the simplified optional method of computing tax; 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 42 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Christmann; DeMers; Heitkamp; Lips; O'Connell; Redlin; Wanzek

Engrossed SB 2246 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2259: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ page 476 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 28-26-04 of the North Dakota Century Code, relating to attorney's fees in actions to collect debts or enforce obligations.

ROLL CALL

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

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

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

Engrossed SB 2259 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2265: SEN. KLEIN (Agriculture Committee) MOVED that the amendments on SJ pages 477-478 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2265: A BILL for an Act to create and enact a new subsection to section 61-07-03 and two new sections to chapter 61-08 of the North Dakota Century Code, relating to the issuance of revenue bonds; to amend and reenact sections 61-07-07, 61-07-08, 61-08-01, 61-08-06, 61-08-07, 61-08-09, 61-08-12, 61-08-13, 61-08-14, 61-08-22, 61-08-23, 61-08-25, 61-08-26, 61-08-27, 61-08-28, 61-08-29, 61-08-34, 61-08-35, 61-08-39, 61-09-13, and 61-09-14 of the North Dakota Century Code, relating to powers and bonds of irrigation districts; and to repeal sections 61-08-10, 61-08-11, 61-08-16, 61-08-17, 61-08-18, 61-08-19, 61-08-20, 61-08-21, 61-08-33, 61-08-36, 61-08-37, and 61-08-38 of the North Dakota Century Code, relating to registration of bonds, cancellation of bonds, issuance of warrants, and terms of refunding 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2265 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 10:30 a.m., which motion prevailed.

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

MOTION

SEN. GOETZ MOVED that SB 2311 be moved to the foot of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2270: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 478-480 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2270: A BILL for an Act to create and enact a new subsection to section 26.1-17-33.1 of the North Dakota Century Code, relating to nonprofit mutual insurance companies; to amend and reenact section 26.1-17-33.1 of the North Dakota Century Code, relating to the conversion of a nonprofit health service corporation to a nonprofit mutual insurance company; to provide for retroactive application; and to provide an effective date.

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, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: LaFountain; Mathern

ABSENT AND NOT VOTING: Nelson, G.

Engrossed SB 2270 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2318: SEN. REDLIN (Appropriations 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 2318: A BILL for an Act to create and enact two new subsections to section 53-06.1-01 and a new section to chapter 53-06.1 of the North Dakota Century Code, relating to the development and implementation of a compulsive gambling awareness, rehabilitation, and treatment program by the department of human services; to amend and reenact section 53-06.1-12.1 of the North Dakota Century Code, relating to the use of gaming and excise taxes; and to provide an appropriation.

MOTION

SEN. G. NELSON MOVED the question be put at 10:58 a.m., which motion prevailed.

ROLL CALL

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

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

NAYS: Mutch; Solberg; Stenehjem, B.; Wanzek

Engrossed SB 2318 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2331: SEN. CHRISTMANN (Finance and Taxation Committee) MOVED that the amendments on SJ pages 481-482 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 chapter 57-35.3, a new subdivision to subsection 1 of section 57-38-01.2, a new subdivision to subsection 3 of section 57-38-30.3, and a new subdivision to subsection 4 of section 57-38-30.3 of the North Dakota Century Code, relating to taxation of financial institutions and allocation of tax revenue and to adjustments to taxable income for individuals; to amend and reenact section 10-30.2-11, subdivision i of subsection 1 of section 57-38-01.2, and subdivision g of subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to taxation; to repeal chapters 57-35, 57-35.1, and 57-35.2 of the North Dakota Century Code, relating to the taxation of banks, trust companies and building and loan associations; to provide penalties; to provide continuing appropriations; and to provide an effective date.

ROLL CALL

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

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

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

Engrossed SB 2331 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2357: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ page 482 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2357: A BILL for an Act to create and enact a new section to chapter 14-09 of the North Dakota Century Code, relating to the interference with visitation.

ROLL CALL

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

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

Engrossed SB 2357 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2360: SEN. THOMPSON (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 482 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 six new sections to chapter 6-06 of the North Dakota Century Code, relating to authority of credit unions to engage in affiliated services and share office space and to authorize reciprocal credit union branch operations.

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

YEAS: Andrist; Berg; Cook; DeMers; Fischer; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutzenberger; Nelson, C.; Nelson, G.; Nothing; O'Connell; Sand; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Urlacher; Yockim

NAYS: Bowman; Christmann; Freborg; Kinnoin; Mutch; Naaden; Nalewaja; Redlin; Robinson; Solberg; Tallackson; Traynor; Wanzek; Watne; Wogsland

Engrossed SB 2360 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2362: SEN. FISCHER (Natural Resources Committee) MOVED that the amendments on SJ pages 483-485 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2362: A BILL for an Act to establish a drinking water treatment revolving loan fund; to create and enact a new subsection to section 61-28.1-02 and a new section to chapter 61-28.1 of the North Dakota Century Code, relating to the powers and duties of the state water commission; to amend and reenact section 61-28.1-03, subsections 2 and 3 of section 61-28.1-10, and subsections 1, 2, and 4 of section 61-28.2-01 of the North

Dakota Century Code, relating to the powers and duties of the water commission; and to provide a penalty.

ROLL CALL

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

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

Engrossed SB 2362 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2364: SEN. WATNE (Judiciary 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 2364: A BILL for an Act to create and enact a new section to chapter 12.1-32 of the North Dakota Century Code, relating to the deferred imposition of sentence for gross sexual imposition; to amend and reenact subsection 3 of section 12.1-20-02, subsection 1 of section 12.1-20-05, and section 12.1-20-07 of the North Dakota Century Code, relating to the definition of a sexual act, corruption of a minor, and sexual assault; and to provide a penalty.

ROLL CALL

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

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

Engrossed SB 2364 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2385: SEN. TOMAC (Agriculture 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 2385: A BILL for an Act to amend and reenact subsection 1 of section 10-06.1-10 of the North Dakota Century Code, relating to the acquisition of farmland or ranchland by nonprofit organizations.

MOTION

SEN. G. NELSON MOVED the question be put at 11:58 a.m., which motion prevailed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 29 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Klein; Krauter; Kringstad; Lindaas; Naaden; Nelson, G.; Nething; O'Connell; Sand; Schobinger; Solberg; Stenehjem, B.; Tallackson; Thompson; Tomac; Urlacher; Wanzek; Watne; Wogsland

NAYS: Berg; DeMers; Heitkamp; Kelsh; Krebsbach; LaFountain; Lee; Lips; Mathern; Mutch; Mutzenberger; Nalewaja; Nelson, C.; Redlin; Robinson; St. Aubyn; Stenehjem, W.; Thane; Traynor; Yockim

Engrossed SB 2385 passed and the title was agreed to.

MOTION

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

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

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Perry Grotberg.

CONSIDERATION OF AMENDMENTS

SB 2394: SEN. LAFOUNTAIN (Industry, Business and Labor 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 2394: A BILL for an Act to amend and reenact sections 43-25-03, 43-25-05, 43-25-07, 43-25-08, 43-25-09, 43-25-10, 43-25-11, 43-25-12, 43-25-13, and 43-25-18 of the North Dakota Century Code, relating to North Dakota board of massage and massage therapist licensure; and to repeal section 43-25-01 of the North Dakota Century Code, relating to massage.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bowman

Engrossed SB 2394 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2396: SEN. KRINGSTAD (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 427-428 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2396: A BILL for an Act to provide for establishment and operation of the North Dakota low-risk incentive fund; 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 41 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Berg; DeMers; LaFountain; Mutzenberger; Nelson, C.; O'Connell; Thompson

ABSENT AND NOT VOTING: Bowman

Engrossed SB 2396 passed and the title was agreed to.

MOTION

SEN. G. NELSON MOVED that the rules be suspended and that Engrossed SB 2396 not be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. G. Nelson's motion, Engrossed SB 2396 will not be rereferred.

CONSIDERATION OF AMENDMENTS

SB 2397: SEN. KREBSBACH (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 429 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2397: A BILL for an Act to create and enact a new chapter to title 54 of the North Dakota Century Code, relating to establishment of a code of ethics for state government employees and those doing business with the state; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 18 YEAS, 30 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; Redlin; Robinson; Tallackson; Thompson; Tomac; Wogsland; Yockim

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

ABSENT AND NOT VOTING: Bowman

Engrossed SB 2397 lost.

CONSIDERATION OF AMENDMENTS

SB 2003: SEN. NETHING (Appropriations Committee) MOVED that the amendments on SJ pages 507-516 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2003: A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system; to amend and reenact section 54-02-11 of the North Dakota Century Code, relating to the state art gallery; 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, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Krauter; Tomac

ABSENT AND NOT VOTING: Bowman

Engrossed SB 2003 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2014: SEN. SOLBERG (Appropriations Committee) MOVED that the amendments on SJ pages 516-521 be adopted and then be placed on the Tenth order with **DO PASS**.

REQUEST

SEN. HEITKAMP REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2014, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to SB 2014, the roll was called and there were 28 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Bowman

The motion to adopt the amendments to SB 2014 passed. Engrossed SB 2014 was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2014: A BILL for an Act to provide an appropriation for defraying the expenses of the children's services coordinating committee; to create and enact a new section to chapter 54-56 of the North Dakota Century Code, relating to regional and tribal children's services coordinating committees; to amend and reenact sections 54-56-01, 54-56-03, and 54-56-04 of the North Dakota Century Code, relating to the membership and duties of the children's services coordinating committee; and to repeal section 54-56-05 of the North Dakota Century Code, relating to the children's services coordinating committee receiving and spending funds.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bowman; Redlin

Engrossed SB 2014 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2064: SEN. NAADEN (Appropriations Committee) MOVED that the amendments on SJ pages 524-534 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2064: A BILL for an Act to provide an appropriation for defraying the expenses of the office of management and budget, extension service, northern crops institute, upper great plains transportation institute, and the experiment centers; to provide for an interim legislative council study; to create and enact a new subsection to section 54-44-04 of the North Dakota Century Code, relating to the duties of the director of the office of management and budget; to amend and reenact sections 4-22-04, 4-22-06, and 4-22-22 of the North Dakota Century Code, relating to the state soil conservation committee; to repeal section 4-22-05 of the North Dakota Century Code, relating to employees of the state soil conservation committee; and to declare an emergency.

MOTION

SEN. TALLACKSON MOVED that Engrossed SB 2064 be amended as follows:

Page 1, line 1, replace "office of" with "soil conservation committee"

Page 1, line 2, remove "management and budget"

Page 1, line 4, remove "to create and enact a new subsection to section 54-44-04 of the North Dakota Century"

Page 1, remove lines 5 through 7

Page 1, line 8, remove "Code, relating to employees of the state soil conservation committee;"

Page 5, line 2, replace "44,422,512" with "44,638,071"

Page 5, line 4, replace "84,529,757" with "84,745,316"

Page 5, replace lines 5 through 11 with:

"SECTION 2. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the soil conservation committee for the purpose of defraying its expenses, for the biennium beginning July 1, 1997, and ending June 30, 1999, as follows:

Salaries and wages	\$309,723
Operating expenses	65,836
Grants	<u>500,000</u>
Total general fund appropriation	\$875,559"

Page 7, remove lines 28 through 31

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 30

Page 10, remove lines 1 through 31

Page 11, remove lines 1 through 29

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

SENATE - This amendment removes the general fund appropriation of \$660,000 to the Office of Management and Budget for distributing soil conservation technician grants of \$650,000 and paying expenses of the committee of up to \$10,000. The section requiring the Office of Management and Budget to provide staff and support services for the committee is also removed.

DEPARTMENT 710 - SOIL CONSERVATION COMMITTEE

SENATE - The amendment provides that the Soil Conservation Committee continue as a separate agency and provides a general fund appropriation of \$875,559 for its 1997-99 expenses.

REQUEST

SEN. TALLACKSON REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2064, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SB 2064, the roll was called and there were 22 YEAS, 25 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Heitkamp; Kelsh; Klein; Krauter; LaFountain; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Nelson, C.; O'Connell; Robinson; Solberg; Tallackson; Thane; Thompson; Tomac; Wogsland; Yockim

NAYS: Andrist; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krebsbach; Kringstad; Lee; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Traynor; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: Bowman; Redlin

The proposed amendments to Engrossed SB 2064 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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bowman; Redlin

Engrossed SB 2064 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2228: SEN. ANDRIST (Judiciary Committee) MOVED that the amendments on SJ page 535 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2228: A BILL for an Act to create and enact a new section to chapter 27-12 and sections 44-04-17.5, 44-04-18.01, 44-04-18.02, 44-04-18.10, 44-04-18.11, 44-04-19.05, 44-04-19.2, 44-04-21.1, 44-04-21.2, and subsection 19 of section 54-12-01 of the North Dakota Century Code, relating to public records and public meetings; to amend and reenact sections 44-04-18, 44-04-18.1, 44-04-18.3, 44-04-18.4, 44-04-18.5, 44-04-18.7, 44-04-19, 44-04-19.1, 44-04-20, 44-04-21, and 54-44.2-08 of the North Dakota Century Code, relating to public records and meetings; and to repeal section 44-04-18.2 of the North Dakota Century Code, relating to economic development records and meetings.

REQUEST

SEN. YOCKIM REQUESTED that the Senate divide Engrossed SB 2228, which request was granted.

DIVISION A: Section 16 of the engrossed bill.

DIVISION B: All of the engrossed bill, with the exception of Section 16.

REQUEST

SEN. YOCKIM REQUESTED a recorded roll call vote on Divisions A and B of Engrossed SB 2228, which request was granted.

ROLL CALL

The question being on the adoption of Division A of Engrossed SB 2228, the roll was called and there were 35 YEAS, 12 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Klein; Krebsbach; Kringstad; Lee; Lips; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: Berg; Cook; DeMers; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; O'Connell; Tallackson; Yockim

ABSENT AND NOT VOTING: Bowman; Redlin

Division A of Engrossed SB 2228 passed.

ROLL CALL

The question being on the adoption of Division B of Engrossed SB 2228, the roll was called and there were 30 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; DeMers; Fischer; Grindberg; Heitkamp; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mathern; Mutzenberger; Nalewaja; Nelson, C.; Robinson; Sand; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Watne; Wogsland

NAYS: Christmann; Cook; Freborg; Goetz; Kelsh; Klein; LaFountain; Mutch; Naaden; Nelson, G.; Nething; O'Connell; Schobinger; Solberg; Tomac; Wanzek; Yockim

ABSENT AND NOT VOTING: Bowman; Redlin

Division B of Engrossed SB 2228 passed.

Therefore, Divisions A and B were both adopted and comprised the question before the Senate.

ROLL CALL

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

YEAS: Andrist; Berg; Fischer; Grindberg; Heitkamp; Holmberg; Kinnoin; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mathern; Mutzenberger; Nalewaja; Nelson, C.; Robinson; Sand; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Watne; Wogsland

NAYS: Christmann; Cook; DeMers; Freborg; Goetz; Kelsh; Klein; Krauter; LaFountain; Mutch; Naaden; Nelson, G.; Nething; O'Connell; Schobinger; Solberg; Tomac; Urlacher; Wanzek; Yockim

ABSENT AND NOT VOTING: Bowman; Redlin

Engrossed SB 2228 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2369: SEN. WATNE (Judiciary Committee) MOVED that the amendments on SJ pages 535-538 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2369: A BILL for an Act to amend and reenact subsections 1 and 2 of section 12.1-06.1-01, subsection 3 of section 12.1-06.1-02, section 12.1-06.1-04, subsections 1, 2, 4, 5, and 7 of section 12.1-06.1-05, subsection 1 of section 12.1-06.1-06, and subsections 1 and 2 of section 12.1-06.1-07 of the North Dakota Century Code, relating to the illegal transportation or disposal of radioactive waste material or hazardous waste; and to provide a penalty.

ROLL CALL

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

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

NAYS: Cook; Freborg; Krebsbach; Lee; Lips; Mutch; Naaden

ABSENT AND NOT VOTING: Bowman; Redlin

Engrossed SB 2369 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 3:50 p.m., which motion prevailed.

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

MOTION

SEN. GOETZ MOVED that SB 2311 be moved to the top of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2311: SEN. HOLMBERG (Appropriations Committee) MOVED that the amendments on SJ page 480 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2311: A BILL for an Act to provide for the establishment of a beginning entrepreneur loan guarantee program.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 5 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Kelsh; Lee; Mutch; Sand; Thane

ABSENT AND NOT VOTING: Bowman; Redlin; Wogsland

Engrossed SB 2311 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that SB 2019 be moved to the top of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2019: SEN. NETHING (Appropriations Committee) MOVED that the amendments on SJ pages 521-524 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2019: A BILL for an Act to provide appropriations for defraying the expenses of the department of economic development and finance, to the Bank of North Dakota for economic development, and to the agricultural products utilization commission for grants; to provide for transfers of funds; to provide for the reallocation of funds; and to amend and reenact sections 4-01-19, 4-14.1-04, subsection 4 of section 10-30.5-02, and section 10-30.5-05 of the North Dakota Century Code, relating to the pride of Dakota program, the agricultural products utilization commission, and administration and management of the North Dakota development fund.

MOTION

SEN. NETHING MOVED that Engrossed SB 2019 be amended as follows:

Page 1, line 18, replace "1,233,641" with "1,313,141"

Page 1, line 23, replace "12,378,302" with "12,457,802"

Page 2, line 2, replace "7,565,631" with "7,645,131"

Page 2, line 8, replace "1,909,875" with "1,909,875"

Page 2, remove line 9

Page 2, line 10, replace "2,479,952" with "2,400,452"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 601 - DEPARTMENT OF ECONOMIC DEVELOPMENT AND FINANCE

SENATE - This amendment makes the following changes:

	ENGROSSED BILL	INCREASES GENERAL FUND AUTHORITY FOR GRANTS	SENATE VERSION
Salaries and wages	\$ 1,634,811		\$ 2,421,849
Operating expenses	1,591,673		1,591,673
Equipment	34,000		34,000
Grants	1,233,641	\$79,500	1,313,141
General allocation grants	725,690		725,690
Technology Transfer, Inc.	1,410,380		1,410,380
Agricultural Products Utilization	5,598,107		5,598,107
Pride of Dakota	<u>150,000</u>	<u> </u>	<u>150,000</u>
Total	\$12,378,302	\$79,500	\$12,457,802
Special funds	\$ 4,812,671		\$ 4,812,671
General fund	7,565,631	\$79,500	7,645,131
FTE positions	21		21

DEPARTMENT 471 - BANK OF NORTH DAKOTA

SENATE - This amendment also deletes an appropriation to the Bank of North Dakota from the Bank's earnings for the following programs: Native American business grants (\$27,500) and women's business grants (\$52,000).

The proposed amendments to Engrossed SB 2019 were adopted on a voice vote.

MOTION

SEN. KRAUTER MOVED that Engrossed SB 2019 be further amended as follows:

Page 1, line 2, after "finance" insert ", agricultural products utilization commission,"

Page 1, line 4, replace "sections" with "section"

Page 1, line 5, remove "4-14.1-04,"

Page 1, line 6, remove ", the agricultural products utilization"

Page 1, line 7, remove "commission,"

Page 1, remove line 21

Page 1, line 23, replace "12,378,302" with "6,780,195"

Page 2, line 1, replace "4,812,671" with "298,428"

Page 2, line 2, replace "7,565,631" with "6,481,767"

Page 2, after line 10, insert:

"SECTION 3. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the agricultural products utilization commission for the purpose of defraying the expenses of the agricultural products utilization commission, for the biennium beginning July 1, 1997, and ending June 30, 1999, as follows:

Salaries and wages	\$92,668
Operating expenses	76,518
Equipment	3,350
Grants	2,425,571
Ethanol incentive	<u>3,000,000</u>
Total all funds	\$5,598,107
Less estimated income	<u>4,514,243</u>

Total general fund appropriation \$1,083,864 "

Page 4, remove lines 30 and 31

Page 5, remove lines 1 through 7

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 601 - DEPARTMENT OF ECONOMIC DEVELOPMENT AND FINANCE

SENATE - This amendment removes the Agricultural Products Utilization Commission line item and provides a separate appropriation.

DEPARTMENT 612 - AGRICULTURAL PRODUCTS UTILIZATION COMMISSION

SENATE - This amendment provides a separate appropriation for the commission, previously a line item in the Department of Economic Development and Finance appropriation.

Section 13 of the engrossed bill is removed relating to the Agricultural Products Utilization Commission.

REQUEST

SEN. HEITKAMP REQUESTED a recorded roll call vote on the motion to adopt the proposed further amendments to Engrossed SB 2019, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed further amendments to Engrossed SB 2019, the roll was called and there were 20 YEAS, 26 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Robinson; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Yockim

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

ABSENT AND NOT VOTING: Bowman; Redlin; Wogsland

The proposed further amendments to Engrossed SB 2019 failed.

MOTION

SEN. KRAUTER MOVED that Engrossed SB 2019 be further amended as follows:

Page 1, line 2, after "finance" insert ", the pride of Dakota program,"

Page 1, line 4, replace "sections" with "section" and remove "4-01-19,"

Page 1, line 6, remove "the pride of Dakota program,"

Page 1, line 7, remove the comma

Page 1, line 21, replace "5,598,107" with "5,598,107"

Page 1, remove line 22

Page 1, line 23, replace "12,378,302" with "12,228,302"

Page 2, line 2, replace "7,565,631" with "7,415,631"

Page 2, after line 10, insert:

"SECTION 3. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$150,000, or so much of the sum as may be necessary, to the commissioner of agriculture for the pride of Dakota program."

Page 4, remove lines 23 through 29

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 601 - DEPARTMENT OF ECONOMIC DEVELOPMENT AND FINANCE

SENATE - This amendment removes the Pride of Dakota line item and provides a separate appropriation, with funds for the Pride of Dakota program appropriated to the Commissioner of Agriculture. Section 12 relating to the Pride of Dakota program is also removed.

DEPARTMENT 602 - COMMISSIONER OF AGRICULTURE

SENATE - This amendment adds an appropriation of \$150,000 from the general fund for the Pride of Dakota program, removed from the Department of Economic Development and Finance.

REQUEST

SEN. HEITKAMP REQUESTED a recorded roll call vote on the motion to adopt the proposed further amendments to Engrossed SB 2019, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed further amendments to Engrossed SB 2019, the roll was called and there were 21 YEAS, 25 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Robinson; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Yockim

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

ABSENT AND NOT VOTING: Bowman; Redlin; Wogsland

The proposed further amendments to Engrossed SB 2019 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bowman; Redlin; Wogsland

Reengrossed SB 2019 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2005: A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

MOTION

SEN. LAFOUNTAIN MOVED that Engrossed SB 2005 be amended as follows:

Page 1, line 12, replace "200,000" with "385,000"

Page 1, line 13, replace "465,373" with "650,373"

Page 1, line 14, replace "200,394" with "394"

Page 1, line 15, replace "264,979" with "649,979"

Page 1, remove lines 21 through 24

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 316 - INDIAN AFFAIRS COMMISSION

Salaries and wages	ENGROSSED BILL	CHANGE FUNDING SOURCE OF YOUTH DRUG AND ALCOHOL GRANT PROGRAM	INCREASE YOUTH DRUG AND ALCOHOL GRANT PROGRAM	TOTAL CHANGES	SENATE VERSION
Operating expenses	\$230,410				\$230,410
Grants	34,963				34,963
Total all funds	<u>200,000</u>		\$185,000	\$185,000	<u>385,000</u>
Less estimated income	\$465,373		\$185,000	(200,000)	\$650,373
	<u>200,394</u>	\$(200,000)			<u>394</u>
General fund	\$264,979	\$ 200,000	\$185,000	\$385,000	\$649,979
FTE	3.00			0.00	3.00

REQUEST

SEN. HEITKAMP REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2005, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SB 2005, the roll was called and there were 18 YEAS, 28 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Bowman; Redlin; Wogsland

The proposed amendments to Engrossed SB 2005 failed.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bowman; Redlin; Wogsland

Engrossed SB 2005 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2242: A BILL for an Act to amend and reenact sections 57-39.2-03.2 and 57-40.2-03.2 of the North Dakota Century Code, relating to the rate of sales and use taxes on sales, storage, use, or consumption of alcoholic beverages; 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 30 YEAS, 16 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Cook; Fischer; Grindberg; Heitkamp; Kelsh; Kinnoin; Klein; Krebsbach; Kringstad; Lips; Mathern; Mutch; Naaden; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Wanzek; Watne; Yockim

NAYS: Andrist; Berg; Christmann; DeMers; Freborg; Goetz; Holmberg; Krauter; LaFountain; Lee; Lindaas; Mutzenberger; Nalewaja; Nelson, C.; Stenehjem, W.; Urlacher

ABSENT AND NOT VOTING: Bowman; Redlin; Wogsland

Engrossed SB 2242 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2309: A BILL for an Act to repeal chapter 38-18.1 of the North Dakota Century Code, relating to termination of unused mineral interests.

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 15 YEAS, 31 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Cook; DeMers; Fischer; Freborg; Kelsh; Krebsbach; Lips; Mutch; Naaden; Nething; Tallackson; Thompson; Traynor; Watne; Yockim

NAYS: Andrist; Berg; Christmann; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Klein; Krauter; Kringstad; LaFountain; Lee; Lindaas; Mathern; Mutzenberger; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjerm, B.; Stenehjerm, W.; Thane; Tomac; Urlacher; Wanzek

ABSENT AND NOT VOTING: Bowman; Redlin; Wogsland

SB 2309 lost.

SECOND READING OF SENATE BILL

SB 2332: A BILL for an Act to create and enact a new chapter to title 14 of the North Dakota Century Code, relating to a North Dakota human rights commission; to amend and reenact sections 14-02.4-19 and 14-02.4-21 of the North Dakota Century Code, relating to actions, limitations, and mediation for discriminatory practices; to provide a penalty; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 28 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Bowman; Redlin; Wogsland

SB 2332 lost.

MOTION

SEN. GOETZ MOVED that SCR 4036 be moved to the top of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SCR 4036: SEN. NALEWAJA (Appropriations Committee) MOVED that the amendments on SJ pages 430-431 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4036: A concurrent resolution directing the Legislative Council to study the level of and remedies for discrimination in this state.

MOTION

SEN. HOLMBERG MOVED that Engrossed SCR 4036 be amended as follows, which motion prevailed.

Page 1, line 19, remove "existence and"

Renumber accordingly

REQUEST

SEN. NALEWAJA REQUESTED a recorded roll call vote on the final passage of Reengrossed SCR 4036, 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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bowman; LaFountain; Redlin; Tomac; Wogsland

Reengrossed SCR 4036 was declared adopted and the title was agreed to.

MOTION

SEN. GOETZ MOVED that SCR 4032 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4032: A concurrent resolution urging the United States Department of Agriculture to support efforts to restore competition in the livestock packing industry.

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

SCR 4032 was declared adopted on a voice vote, and the title was agreed to.

MOTION

SEN. GOETZ MOVED that SCR 4015 be moved to the top of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SCR 4015: SEN. NETHING (Appropriations Committee) MOVED that the amendments on SJ page 486 be laid on the table, which motion prevailed. SCR 4015 was laid on the table.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2002, SB 2003, SB 2005, SB 2012, SB 2014, SB 2016, SB 2019, SB 2062, SB 2064, SB 2153, SB 2225, SB 2230, SB 2242, SB 2246, SB 2259, SB 2265, SB 2270, SB 2318, SB 2331, SB 2357, SB 2360, SB 2362, SB 2364, SB 2385, SB 2394, SB 2396, SCR 4032, SCR 4036.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2228, SB 2311, SB 2369.

REQUEST

SEN. G. NELSON REQUESTED that his remarks be printed in the Journal, which request was granted.

REMARKS OF SENATOR G. NELSON

Monday, January 20, was Martin Luther King, Jr. Day and Monday, February 20 was President's Day. Although other state employees had those days off, Legislative employees were required to work. Legislative employees will be paid Monday and Tuesday for those two holidays. I would like to thank the employees for their hard work, long hours, and dedication. For that hard work they will be paid for Friday. I would also like to thank the members of the Senate for their hard work and effort in the first half of the session. I wish you well and have a nice weekend.

MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, February 26, 1997, which motion prevailed.

FIRST READING OF HOUSE BILLS

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

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

HB 1004: A BILL for an Act to provide an appropriation for defraying the expenses of the state auditor; and to amend and reenact section 54-10-10 of the North Dakota Century Code, relating to the salary of the state auditor.

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

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

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

HB 1017: A BILL for an Act to provide an appropriation for defraying the expenses of the adjutant general.

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

HB 1021: A BILL for an Act to make an appropriation for defraying the expenses of the state game and fish department.

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

HB 1023: A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department.

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

HB 1024: A BILL for an Act to provide an appropriation for defraying the expenses of the tourism department.

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

HB 1026: A BILL for an Act to provide an appropriation for defraying the expenses of the workers compensation bureau and its divisions; to provide authorization to expend funds from the workers' compensation contingency line item; and to amend and reenact section 65-06.1-04 of the North Dakota Century Code, relating to civil air patrol workers' compensation reimbursements.

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

HB 1027: A BILL for an Act to provide an appropriation for defraying the expenses of various state retirement and investment agencies.

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

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

Was read the first time and referred to the **Human Services Committee**.

HB 1058: A BILL for an Act to amend and reenact sections 20.1-13-05, 61-28-02, 61-28-03, 61-28-05, and 61-28-07 of the North Dakota Century Code, relating to the powers, procedures, and composition of the state water pollution control board.

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

HB 1068: A BILL for an Act to amend and reenact sections 57-06-01, 57-06-02, 57-06-05, 57-06-07, 57-06-14, 57-06-18, 57-34-01, 57-34-02, 57-34-03, 57-34-05, 57-34-06, 57-34-10, 57-34-11, and 57-34-12 of the North Dakota Century Code, relating to property tax exemptions and gross receipts taxes for telecommunications carriers and services; to repeal sections 57-06-01.1, 57-34-04, and 57-34-08 of the North Dakota Century Code, relating to assessment of property and gross receipts taxes for telecommunications carriers; to provide a continuing appropriation; and to provide an effective date.

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

HB 1076: A BILL for an Act to provide for a portion of a paved four-lane highway for United States highway 2.

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

HB 1078: A BILL for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to waterfowl hunting by nonresidents; and to provide an expiration date.

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

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

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

HB 1140: A BILL for an Act to amend and reenact subsection 3 of section 39-03.1-10.1, section 39-03.1-30, subsection 5 of section 54-52-17.4, sections 54-52-17.8, 54-52-26, 54-52-27, and 54-52.2-03 of the North Dakota Century Code, relating to purchase of service credit for veterans and purchase of sick leave under the highway patrolmen's retirement system, purchase of service credit, benefit limitations, confidentiality of records, conversion of sick leave under the public employees retirement system, and administration of the deferred compensation program; and to provide for retroactive application.

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

HB 1141: A BILL for an Act to create and enact a new subsection to section 54-52.1-03.3 of the North Dakota Century Code, relating to benefit options under the retiree health benefits plan.

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

HB 1151: A BILL for an Act to create and enact a new section to chapter 61-01 of the North Dakota Century Code, relating to drains.

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

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

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

HB 1163: A BILL for an Act to amend and reenact sections 57-43.1-02 and 57-43.2-02 of the North Dakota Century Code, relating to motor vehicle fuel and special fuel taxes; to repeal sections 57-43.1-02.1 and 57-43.2-02.1 of the North Dakota Century Code, relating to additional motor vehicle fuel and special fuel taxes; to provide an appropriation; to provide an effective date; and to provide an expiration date.

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

HB 1167: A BILL for an Act to create and enact a new subsection to section 12.1-28-01 of the North Dakota Century Code, relating to private premises; to amend and reenact subsection 5 of section 12-60-16.4, sections 53-06.1-01, 53-06.1-01.1, 53-06.1-03, 53-06.1-06, 53-06.1-07.2, 53-06.1-07.3, 53-06.1-07.4, 53-06.1-08, 53-06.1-09, 53-06.1-10, 53-06.1-10.1, 53-06.1-11, 53-06.1-11.1, 53-06.1-12, 53-06.1-12.3, 53-06.1-14, 53-06.1-15.1, and 53-06.1-16 of the North Dakota Century Code, relating to games of chance; to repeal sections 53-06.1-01.2, 53-06.1-02, 53-06.1-03.1, 53-06.1-03.2, 53-06.1-03.3, 53-06.1-05.1, 53-06.1-06.1, 53-06.1-07, 53-06.1-07.1, 53-06.1-12.1, 53-06.1-12.2, 53-06.1-13, 53-06.1-13.1, 53-06.1-15, 53-06.1-15.2, 53-06.1-15.3, 53-06.1-15.4, 53-06.1-16.1, 53-06.1-16.2, and 53-06.1-17 of the North Dakota Century Code, relating to games of chance; and to provide a penalty.

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

HB 1172: A BILL for an Act to amend and reenact subsections 3 and 4 of section 20.1-03-11 of the North Dakota Century Code, relating to gratis and preferential landowner licenses to hunt deer.

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

HB 1180: A BILL for an Act to amend and reenact sections 12.1-31.1-03, 12.1-31.1-04, and subdivision a of subsection 1 of section 19-03.1-23 of the North Dakota Century Code, relating to unlawful possession, manufacture, or delivery of drug paraphernalia and methamphetamine; and to provide a penalty.

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

HB 1182: A BILL for an Act to create and enact a new section to chapter 36-01 of the North Dakota Century Code, relating to the private ownership of primates, wolves, wolf

hybrids, skunks, and raccoons; to amend and reenact section 36-01-08.2 of the North Dakota Century Code, relating to certain animals held in captivity; and to provide a penalty.

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

HB 1183: A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 28-32-01 and section 54-21-18 of the North Dakota Century Code, relating to adoption of administrative rules concerning conduct on the state capitol grounds; and to provide a penalty.

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

HB 1187: A BILL for an Act to create and enact a new section to chapter 54-27 of the North Dakota Century Code, relating to state agency lease arrangements.

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

HB 1188: A BILL for an Act to amend and reenact subsection 10 of section 57-02-08 of the North Dakota Century Code, relating to the property tax exemption for agricultural fair associations; and to provide an effective date.

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

HB 1189: A BILL for an Act to amend and reenact section 8-10-11 of the North Dakota Century Code, relating to the interruption of telecommunications in certain emergencies; and to provide a penalty.

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

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

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

HB 1193: A BILL for an Act to create and enact a new section to chapter 34-02 of the North Dakota Century Code, relating to references by employers.

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

HB 1199: A BILL for an Act to amend and reenact sections 4-10.2-03, 4-10.2-05, and 4-10.2-08 of the North Dakota Century Code, relating to the North Dakota oilseed council, its members, member compensation, and commodity assessments.

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

HB 1202: A BILL for an Act to amend and reenact subsection 7 of section 20.1-03-11 and section 20.1-08-04.6 of the North Dakota Century Code, relating to landowner preference licenses to hunt elk and the governor's proclamation concerning the hunting of elk; and to declare an emergency.

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

HB 1208: A BILL for an Act to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to roadside hunting.

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

HB 1215: A BILL for an Act to create and enact four new sections to chapter 19-20.2 of the North Dakota Century Code, relating to the use and testing of anhydrous ammonia storage containers and the bulk delivery of anhydrous ammonia; and to amend and reenact sections 19-20.2-01 and 19-20.2-08.2 of the North Dakota Century Code, relating to safety requirements for the handling and storage of anhydrous ammonia.

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

HB 1222: A BILL for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to waterfowl hunting by nonresidents born in North Dakota.

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

HB 1223: A BILL for an Act to create and enact a new section to chapter 6-08 of the North Dakota Century Code, relating to the return of instruments issued without sufficient funds; and to amend and reenact sections 6-08-16 and 6-08-16.2 of the North Dakota Century Code, relating to collection on instruments issued without sufficient funds.

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

HB 1237: A BILL for an Act to establish an electric industry competition committee; to provide an expiration date; and to declare an emergency.

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

HB 1243: A BILL for an Act to amend and reenact section 39-05-17.2 of the North Dakota Century Code, relating to motor vehicle body damage disclosure; and to provide a penalty.

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

HB 1255: A BILL for an Act to create and enact a new section to chapter 11-10 of the North Dakota Century Code, relating to the residency of appointed members of county boards, commissions, or committees; and to amend and reenact subsection 2 of section 63-01.1-04 of the North Dakota Century Code, relating to the residency of members of county weed boards.

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

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

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

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

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

HB 1263: A BILL for an Act to amend and reenact sections 65-02-23, 65-02-25, 65-02-26, and 65-05-33 of the North Dakota Century Code, relating to amnesty periods, disclosure of claim and investigative information in workers' compensation fraud cases, and definition of fraudulent activity; and to provide a penalty.

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

HB 1264: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to payment of preacceptance disability benefits to an employee who allegedly suffers a work-related injury; to amend and reenact sections 65-05-08, 65-05-08.1, 65-05-09, 65-05-10, and 65-06.2-02 of the North Dakota Century Code, relating to payment of workers' compensation disability benefits and payments to confined workers; to provide an effective date; and to provide an expiration date.

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

HB 1265: A BILL for an Act to amend and reenact section 65-05-07 of the North Dakota Century Code, relating to medical benefits furnished by the workers compensation bureau.

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

HB 1266: A BILL for an Act to amend and reenact section 65-05-01 of the North Dakota Century Code, relating to the filing of workers' compensation claims; and to provide an effective date.

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

HB 1267: A BILL for an Act to amend and reenact section 39-06-13 of the North Dakota Century Code, relating to motor vehicle operator's license examinations.

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

HB 1268: A BILL for an Act to amend and reenact sections 54-12-08, 65-02-08, and 65-10-03 of the North Dakota Century Code, relating to revocation of an appointment of a special assistant attorney general and to payment of attorney's fees paid for representing workers' compensation claimants.

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

HB 1269: A BILL for an Act to create and enact a new section to chapter 65-01 of the North Dakota Century Code, relating to the presumption that certain conditions of paid firefighters and law enforcement officers are work-related; to amend and reenact sections 65-01-02, 65-01-03, 65-01-11, 65-01-15, and 65-07-03 of the North Dakota Century Code, relating to definitions, the presumption of being an employee for purposes of workers' compensation, and the burden of proof in workers' compensation matters; and to provide for a study of wage-loss benefits structure.

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

HB 1270: A BILL for an Act to create and enact a new section to chapter 65-01 of the North Dakota Century Code, relating to decisions made by the workers compensation bureau; to amend and reenact sections 65-02-11, 65-02-20, 65-02-27, and subsection 4 of section 65-08-01 of the North Dakota Century Code, relating to process and procedure used by the bureau, dispute resolution under the bureau's managed care program, the workers' adviser program, and procedures for filing a claim under an extraterritorial coverage agreement; and to repeal section 65-01-14 of the North Dakota Century Code, relating to initial decisions made by the workers compensation bureau; and to provide an effective date.

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

HB 1299: A BILL for an Act to amend and reenact sections 4-02-27.2, 4-02-31, 11-09.1-06, 11-10.2-02, 11-10.3-01, 15-27.3-19, 15-27.3-21, subsection 2 of section 15-27.6-10, subsection 2 of section 15-28-01, section 15-48-05, subsection 3 of section 21-03-38.1, sections 23-14-01, 23-14-13, 23-14-13.1, 23-29-07, 27-19-02, 38-02-02, 40-02-10, 40-02-11, 40-04-04, 40-04-11, 40-05.1-07, 40-10-02, 40-10-08, 40-33-12, 40-38-01, 40-49-07.2, 40-49.1-02, 40-53.1-04, 40-53.2-03, 54-40.4-01, subsection 1 of section 54-40.4-05, sections 54-40.4-06, 57-15-08, 57-15-12, 57-15-12.1, 57-15-12.3, 57-15-14.5, 57-15-44, 57-15-50, 57-15-51, 57-15-55, 57-15-55.1, subsection 3 of section 57-15-56, subsection 3 of section 57-15-60, sections 61-04.1-29, 61-04.1-30, and 61-04.1-31 of the North Dakota Century Code, relating to the required vote for approval of ballot issues by the qualified electors of political subdivisions.

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

HB 1301: A BILL for an Act to amend and reenact subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to the farm residence and buildings exemption for bed and breakfast facilities; and to provide an effective date.

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

HB 1302: A BILL for an Act to amend and reenact section 20.1-03-17 of the North Dakota Century Code, relating to appointment of agents and use of out-of-state vendors by county auditors to sell game and fish licenses.

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

HB 1310: A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 39-01-01 of the North Dakota Century Code, relating to authorized emergency vehicles.

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

HB 1330: A BILL for an Act to amend and reenact section 54-06-08.2 of the North Dakota Century Code, relating to payments by credit card to state agencies, boards, commissions, the judicial branch, and political subdivisions.

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

HB 1332: A BILL for an Act to create and enact a new subdivision to subsection 6 of section 57-38-38 and a new subsection to section 57-38-62 of the North Dakota Century Code, relating to the exemption of penalties on refunded income taxes from an amended return or claim and permitting the application of a tax overpayment for a year as an estimated tax payment for the succeeding year; to amend and reenact section 57-38-35.2 and subsections 1 and 2 of section 57-38-45 of the North Dakota Century Code, relating to income tax interest and penalties; and to provide an effective date.

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

HB 1333: A BILL for an Act to amend and reenact section 15-47-33 of the North Dakota Century Code, relating to commencement of the elementary and secondary school year; and to provide an effective date.

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

HB 1336: A BILL for an Act to amend and reenact section 6-06-20 of the North Dakota Century Code, relating to the amount that may be borrowed by a director or member of a credit union.

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

HB 1339: A BILL for an Act to amend and reenact sections 4-09-08, 4-09-10, 4-09-14.3, 4-10.3-01, 4-10.3-02, 4-10.3-03, 4-10.3-04, 4-10.3-05, 4-10.3-08, 4-10.3-09, 4-24-09, and 4-24-10 of the North Dakota Century Code, relating to the North Dakota dry bean council and the assessment on dry beans; to provide an effective date; and to declare an emergency.

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

HB 1340: A BILL for an Act to amend and reenact paragraph 5 of subdivision d of subsection 1 of section 57-38-01.2 and subsection 5 of section 57-38-30.3 of the North Dakota Century Code, relating to income tax deductions or credits for adoption expenses; to provide for a transfer; and to provide an effective date.

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

HB 1351: A BILL for an Act to provide for a waiver of privilege for health care providers.

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

HB 1353: A BILL for an Act to create and enact a new section to chapter 44-06 of the North Dakota Century Code, relating to name changes of notaries public; to amend and reenact sections 44-06-04, 44-06-05, 44-06-11, 44-06-13, 44-06-13.1, and 44-06-14 of the North Dakota Century Code, relating to bonds, seals, commissions, and fees of notaries public; and to provide a penalty.

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

HB 1357: A BILL for an Act to prohibit surreptitious intrusion; to amend and reenact subdivision c of subsection 1 of section 12.1-32-15 of the North Dakota Century Code, relating to sexual offenders; and to provide a penalty.

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

HB 1362: A BILL for an Act to create and enact two new sections to chapter 4-24 of the North Dakota Century Code, relating to induction in the North Dakota agricultural hall of fame; and to amend and reenact section 4-24-08 of the North Dakota Century code, relating to the North Dakota agricultural hall of fame.

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

HB 1364: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to park model trailer fees; to amend and reenact subsection 2 of section 57-55-10 of the North Dakota Century Code, relating to a mobile home tax exemption for a park model trailer; to provide an effective date; and to provide an expiration date.

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

HB 1368: A BILL for an Act to amend and reenact subsection 1 of section 15-34.1-00.1, subsection 5 of section 15-34.1-03, sections 15-34.1-06, 15-34.1-07, 15-34.1-08, 15-34.1-09, 15-34.1-10, and 15-34.1-11 of the North Dakota Century Code, relating to home education.

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

HB 1371: A BILL for an Act to amend and reenact section 5-02-09 of the North Dakota Century Code, relating to the establishment of local regulations.

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

HB 1373: A BILL for an Act to create and enact a new section to chapter 12.1-08 of the North Dakota Century Code, relating to the penalty for fleeing a peace officer; and to amend and reenact section 12.1-23-06 of the North Dakota Century Code, relating to the unauthorized use of a motor vehicle.

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

HB 1381: A BILL for an Act to authorize the state board of higher education to convey certain land in Grand Forks, North Dakota; and to declare an emergency.

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

HB 1383: A BILL for an Act to provide for a study by the workers compensation bureau of the feasibility of basing premium calculations on an employee's gross wages.

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

HB 1385: A BILL for an Act to amend and reenact section 54-35-02.5 of the North Dakota Century Code, relating to the composition of the administrative rules committee; and to declare an emergency.

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

HB 1387: A BILL for an Act relating to partitions between rooms in commercial buildings.

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

HB 1392: A BILL for an Act to create and enact a new chapter to title 10 of the North Dakota Century Code, relating to real estate investment trusts.

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

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

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

HB 1399: A BILL for an Act to amend and reenact section 32-21-03 of the North Dakota Century Code, relating to persons who may bring a wrongful death action.

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

HB 1402: A BILL for an Act to amend and reenact subsection 4 of section 15-47-46 of the North Dakota Century Code, relating to the qualifications of persons teaching kindergarten through grade eight.

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

HB 1403: A BILL for an Act to amend and reenact subsection 10 of section 16.1-08.1-01, sections 16.1-08.1-02, 16.1-08.1-03, 16.1-08.1-03.1, 16.1-08.1-03.2, subsection 3 of section 16.1-08.1-03.3, sections 16.1-08.1-03.5, 16.1-08.1-06, and subdivision a of subsection 2 of section 16.1-10-02 of the North Dakota Century Code, relating to campaign contribution statements, political committee registration, and the definition of political purpose.

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

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

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

HB 1420: A BILL for an Act to amend and reenact subsection 1 of section 11-17-04 and section 14-03-22 of the North Dakota Century Code, relating to the fee for filing, depositing, or registering certain documents with the clerk of court and for performing marriage ceremonies.

Was read the first time and referred to the **Political Subdivisions Committee**.

HB 1421: A BILL for an Act to amend and reenact section 48-02-06.2 of the North Dakota Century Code, relating to bonds required of contractors for certain public improvement contracts; and to declare an emergency.

Was read the first time and referred to the **Political Subdivisions Committee**.

HB 1424: A BILL for an Act to create and enact a new section to chapter 47-04 of the North Dakota Century Code, relating to modification of covenants running with the land.

Was read the first time and referred to the **Political Subdivisions Committee**.

HB 1434: A BILL for an Act to create and enact a new section to chapter 4-09 of the North Dakota Century Code, relating to labeling requirements for bagged agricultural seed; and to amend and reenact section 4-09-08 of the North Dakota Century Code, relating to public laboratory services by the state seed commissioner.

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

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

Was read the first time and referred to the **Political Subdivisions Committee**.

HB 1436: A BILL for an Act to create and enact two new sections to chapter 4-10 of the North Dakota Century Code, relating to quality standards and planting records for seed potatoes.

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

HB 1437: A BILL for an Act to create and enact three new sections to chapter 4-10 of the North Dakota Century Code, relating to quality standards for seed potatoes imported into the state and potato planting records; to amend and reenact section 4-10-22 of the North Dakota Century Code, relating to civil penalties for violating potato grading and inspection laws; and to provide a penalty.

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

HB 1440: A BILL for an Act to create and enact a new subsection to section 65-01-02 and five new sections to chapter 65-02 of the North Dakota Century Code, relating to a workers compensation board of directors; to amend and reenact section 65-02-01 of the North Dakota Century Code, relating to the director and division directors of the workers compensation bureau; to repeal section 65-02-08.1 of the North Dakota Century Code, relating to the workers compensation state advisory council; and to provide an effective date.

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

HB 1441: A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to the conduct of meetings of political subdivision governing bodies by telephone conference calls or other electronic means.

Was read the first time and referred to the **Political Subdivisions Committee**.

HB 1442: A BILL for an Act to amend and reenact section 48-01.1-03 of the North Dakota Century Code, relating to publication of advertising for bids for public improvement projects.

Was read the first time and referred to the **Political Subdivisions Committee**.

HB 1445: A BILL for an Act to create and enact a new section to chapter 48-01.1 of the North Dakota Century Code, relating to the use of a licensed architect or registered professional engineer as a construction manager for public improvement projects; and to amend and reenact section 48-01.1-01 of the North Dakota Century Code, relating to definitions regarding public improvement contracts.

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

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

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

HB 1451: A BILL for an Act to amend and reenact section 53-02-08 of the North Dakota Century Code, relating to public dances, music festivals, or public concerts.

Was read the first time and referred to the **Political Subdivisions Committee**.

HB 1453: A BILL for an Act to amend and reenact section 27-08.1-01 of the North Dakota Century Code, relating to the location of small claims actions.

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

HB 1456: A BILL for an Act to create and enact a new section to chapter 15-34.1 of the North Dakota Century Code, relating to the issuance of high school diplomas to home school students; and to repeal section 15-34.1-11 of the North Dakota Century Code, relating to the issuance of high school diplomas by the superintendent of public instruction.

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

HB 1463: A BILL for an Act to create and enact a new subsection to section 6-08.1-02 of the North Dakota Century Code, relating to the exchange of customer information between affiliated financial institutions.

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

HB 1466: A BILL for an Act to amend and reenact sections 34-14-05 and 34-14-09 of the North Dakota Century Code, relating to investigation and enforcement of wage claims by the labor commissioner.

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

HB 1467: A BILL for an Act to amend and reenact section 57-60-06 of the North Dakota Century Code, relating to elimination of the property tax exemption for coal conversion facilities burning or using coal upon which coal severance taxes have not been paid; and to provide an effective date.

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

HB 1468: A BILL for an Act to amend and reenact section 34-01-20 of the North Dakota Century Code, relating to prohibiting employer retaliation against employees for certain conduct.

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

HB 1470: A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to an exemption to the premium tax for premium or capitated fees paid by the department of human services.

Was read the first time and referred to the **Human Services Committee**.

HB 1471: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an individual or trust income tax credit for expenses of caring for certain family members; and to provide an effective date.

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

HB 1476: A BILL for an Act relating to the Myrdal fund for technology in curriculum and staff development; and to provide an expiration date.

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

HB 1478: A BILL for an Act to amend and reenact subdivision b of subsection 1 of section 14-02.1-02.1 of the North Dakota Century Code, relating to information to be provided to expectant mothers.

Was read the first time and referred to the **Human Services Committee**.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3001: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of funding the office of the clerk of district court through the unified judicial system.

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

HCR 3011: A concurrent resolution requesting that a balanced budget amendment to the United States Constitution be submitted to the states for ratification.

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

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

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

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

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

HCR 3017: A concurrent resolution urging the Congress of the United States to consider an amendment to the United States Constitution to require a balanced federal budget.

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

HCR 3018: A concurrent resolution urging Congress to provide funds to widen and provide an attached walkway to the bridge over the Burlington Northern tracks on United States Highway 85 north of Bowman, North Dakota.

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

HCR 3019: A concurrent resolution recognizing North Dakota's commercial relationship with the people of the Republic of China on Taiwan and the record of the Republic of China concerning democratization at home and humanitarian service abroad.

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

HCR 3020: A concurrent resolution directing the Legislative Council to study airline service in this state.

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

HCR 3026: A concurrent resolution supporting the de Mores Abattoir Project, the Center for the American West, located in Chimney Park in Medora, North Dakota.

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

HCR 3028: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a state department of commerce.

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

HCR 3029: A concurrent resolution acknowledging the service and sacrifice of the brave Americans, including North Dakotans, who contributed to the historic victory of freedom and democracy over tyranny and oppression.

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

HCR 3030: A concurrent resolution directing the Legislative Council to study the development of a strategic planning process for the future of public health in this state.

Was read the first time and referred to the **Human Services Committee**.

HCR 3031: A concurrent resolution directing the Legislative Council to study the issues of fairness and equity as they relate to child support guidelines and the issuance and enforcement of child custody and visitation orders.

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

HCR 3032: A concurrent resolution directing the Legislative Council to study the responsibilities of county social services as they are distinguished from the responsibilities of regional human service centers and the Department of Human Services when providing services to children and their families and persons with disabilities, including the elderly.

Was read the first time and referred to the **Human Services Committee**.

HCR 3033: A concurrent resolution directing the Legislative Council to study the effects of managed health care on the future viability of the health care delivery system in rural North Dakota.

Was read the first time and referred to the **Human Services Committee**.

HCR 3034: A concurrent resolution directing the Legislative Council to study the impact of divorce on children and issues of equity and fairness as they relate to custody determinations, visitation orders, and child support obligations.

Was read the first time and referred to the **Human Services Committee**.

HCR 3037: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing property tax relief through alternative state and local revenue sources.

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

HCR 3038: A concurrent resolution directing the Legislative Council to study assessment and taxation of mobile homes, park model trailers, recreational vehicles, and similar housing alternatives.

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

HCR 3039: A concurrent resolution directing the Legislative Council to study the relationship between state general fund revenue gains from economic growth and losses from providing income tax incentives for investment in value-added agricultural processing.

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

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

William C. Parker, Secretary