

## JOURNAL OF THE SENATE

## Fifty-sixth Legislative Assembly

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Bismarck, January 25, 1999

The Senate convened at 1:00 p.m., with President Myrdal presiding.

The prayer was offered by Father Jacob Konath, St. Philomena Church, Glenburn.

The roll was called and all members were present.

A quorum was declared by the President.

**ANNOUNCEMENT BY SENATOR NETHING**

**MADAM PRESIDENT:** On Thursday, January 21, 1999, the Senate Appropriations Committee held a hearing on the community services block grant moneys anticipated by the Office of Management and Budget during the period beginning October 1, 1999, and ending September 30, 2001. If any member of the Legislative Assembly desires copies of the minutes and testimony presented to the Senate Appropriations Committee during the block grant hearing, the Senate Appropriations Committee clerk will make copies available to you. I inform you about the availability of the information at this time, since your approval or disapproval of the appropriation for the Office of Management and Budget includes the legislative action regarding the use of the federal block grant funds.

**CONSIDERATION OF AMENDMENTS**

**SB 2066: SEN. FREBORG (Education Committee) MOVED** that the amendments on SJ page 144 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2096: SEN. SAND (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 144-145 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2156: SEN. D. MATHERN (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 145 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2161: SEN. COOK (Transportation Committee) MOVED** that the amendments on SJ pages 145-146 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2181: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 146-147 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2198: SEN. LYSON (Political Subdivisions Committee) MOVED** that the amendments on SJ page 147 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2042:** A BILL for an Act to create and enact a new section to chapter 6-09.4 of the North Dakota Century Code, relating to evidences of indebtedness and the withholding of state aid to school districts; and to amend and reenact sections 6-09.4-18 and 21-03-44 of the North Dakota Century Code, relating to insurance or guaranties for bonds and sinking funds.

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

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

**NAYS:** Heitkamp; O'Connell; Sand

Engrossed SB 2042 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2229:** A BILL for an Act to amend and reenact sections 35-21-02, 35-21-03, 35-21-04, and 35-21-05 of the North Dakota Century Code, relating to the release of a lien by an undertaking.

#### 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

SB 2229 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2231:** A BILL for an Act to repeal sections 11-13-10 and 11-14-05 of the North Dakota Century Code, relating to certification of abstracts by county auditors and treasurers.

#### 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

SB 2231 passed and the title was agreed to.

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#### SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4006:** A concurrent resolution directing the Legislative Council to study state agency office space needs to determine the feasibility and desirability of transferring state agencies or state employees to rural areas.

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

SCR 4006 was declared adopted on a voice vote, and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2172:** A BILL for an Act to amend and reenact sections 39-06-04, 39-21-01, 39-21-07, 39-21-13, 39-21-15, 39-21-16, 39-21-21, and subsection 7 of section 39-21-43 of the

North Dakota Century Code, relating to the display of headlamps on vehicles; and to provide an effective date.

#### ROLL CALL

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

**YEAS:** DeMers; Lee; Mutch; Sand

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

SB 2172 lost.

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#### SECOND READING OF SENATE BILL

**SB 2193:** A BILL for an Act to create and enact three new sections to chapter 36-21 of the North Dakota Century Code, relating to the use of ultrasound equipment to determine pregnancy of livestock.

#### 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 10 YEAS, 39 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Flakoll; Freborg; Grindberg; Mutch; Naaden; Nething; Solberg; Stenehjem, B.; Traynor

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

SB 2193 lost.

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#### SECOND READING OF SENATE BILL

**SB 2203:** A BILL for an Act to amend and reenact section 15-40.1-13 of the North Dakota Century Code, relating to distribution of mineral royalties to counties and school districts; to provide an effective date; and to provide a continuing 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 0 YEAS, 49 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

SB 2203 lost.

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#### SECOND READING OF SENATE BILL

**SB 2209:** A BILL for an Act to amend and reenact section 54-03.1-02 of the North Dakota Century Code, relating to the date of convening of the organizational session of the legislative assembly.

**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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

SB 2209 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2238:** A BILL for an Act to amend and reenact section 58-06-04 of the North Dakota Century Code, relating to emergency meetings of boards of township supervisors.

**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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

SB 2238 passed and the title was agreed to.

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**MOTION**

**SEN. KILZER MOVED** that the Senate reconsider its action whereby SB 2226 failed to pass, which motion prevailed on a verification vote.

**SECOND READING OF SENATE BILL**

**SB 2226:** A BILL for an Act to repeal section 39-01-09 of the North Dakota Century Code, relating to removing the prohibition against parking meters.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, the roll was called and there were 22 YEAS, 27 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Krebsbach; Lee; Lyson; Mathern, T.; Nelson, C.; Nelson, G.; Nething; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Traynor; Wanzek; Wardner; Watne

**NAYS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; Kringstad; Kroepelin; Lindaas; Mathern, D.; Mutch; Mutzenberger; Naaden; O'Connell; Redlin; Robinson; Sand; Solberg; Thane; Thompson; Tomac; Urlacher

SB 2226 lost.

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

**MADAM PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1209, HB 1216, HB 1269, HB 1270.

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

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1106, HB 1109.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1106, HB 1109.

**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 2056, SB 2069, SB 2072, SB 2078, SB 2079, SB 2084, SB 2087, SB 2097, SB 2108, SB 2114, SB 2154, SB 2187, SB 2190, SB 2192, SB 2194, SB 2197, SB 2204, SB 2219, SCR 4003.

#### MOTION

**SEN. ST. AUBYN MOVED** that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, January 26, 1999, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**SB 2110: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2110 was placed on the Sixth order on the calendar.

Page 1, line 3, after "board" insert "; and to amend and reenact subdivision a of subsection 2 of section 28-32-01 of the North Dakota Century Code, relating to an exemption from the Administrative Agencies Practices Act"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Subdivision a of subsection 2 of section 28-32-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- a. The office of management and budget except with respect to rules made under section 2 of this Act, rules relating to conduct on the capitol grounds and in buildings located on the capitol grounds under section 54-21-18, rules relating to the state building code as authorized or required under section 54-21.3-03, rules relating to the Model Energy Code as required under section 54-21.2-03, rules relating to the central personnel system as authorized under section 54-44.3-07, rules relating to state purchasing practices as required under section 54-44.4-04, rules relating to records management as authorized or required under chapter 54-46, and rules relating to the central microfilm unit as authorized under chapter 54-46.1."

Page 1, underscore lines 7 through 18

Page 1, line 19, replace "establish its own policies and procedures" with "adopt rules" and underscore "concerning receiving accident reports, holding"

Page 1, underscore lines 20 through 23

Page 2, underscore lines 1 through 14

Page 2, remove line 15

Page 2, line 16, remove "chapter 28-32." and underscore "The board must be deemed a state agency loss-control committee under"

Page 2, underscore lines 17 through 19

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2111: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2111 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2130: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2130 was placed on the Sixth order on the calendar.

Page 5, line 13, overstrike "each shall" and insert immediately thereafter "are entitled to"

Page 5, line 14, remove "their", overstrike "regular per diem" and insert immediately thereafter "compensation and expense reimbursement as provided in section 54-03-20", and overstrike ", plus five dollars per day as reimbursement for"

Page 5, line 15, after "expenses" insert "as provided in section 54-06-09"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2135: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2135 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2199: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2199 was placed on the Sixth order on the calendar.

Page 2, after line 22, insert:

"4. Once a child's parent has selected the public school district or the approved nonpublic school in which the child will participate for purposes of extracurricular activities, and has provided notification of the selection through the statement required by subsection 4 of section 15-34.1-06, the child is subject to the transfer rules as provided in the constitution and bylaws of the North Dakota high school activities association."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2202: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2202 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 15-40.1-13 of the North Dakota Century Code, relating to distribution of mineral royalties to counties and school districts; to provide a continuing appropriation; and to provide an effective date.

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

**SECTION 1. AMENDMENT.** Section 15-40.1-13 of the North Dakota Century Code is amended and reenacted as follows:

**15-40.1-13. Receipts from federal funds - Distribution to counties and school districts.** All moneys paid to the state by the secretary of the treasury of the United States under the provisions of an Act of Congress entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain" [Pub. L. 66-146; 41 Stat. 437; 30 U.S.C. 181 et seq.], must be credited to the state general fund and must be distributed only pursuant to ~~the terms of this chapter section.~~  
~~Such~~

Three months following the calendar quarters ending in March, June, September, and December, the state auditor shall certify to the state treasurer the amount of money the state received during the preceding calendar quarter for royalties under the Act of Congress cited above. The state treasurer shall allocate the percentage of the total moneys received as required by this section among the counties in which the minerals were produced based on the proportion each county's mineral royalty revenue bears to the total mineral royalty revenue received by the state for that calendar quarter. The state treasurer shall pay the amount calculated to each county. The moneys must be used by the counties for planning, construction, and maintenance of public facilities, and the provision of public services.

The percentage of mineral royalty revenues received by the state under the Act of Congress cited above which is to be allocated and paid to the counties under this section is ten percent for collections in 2000, twenty percent for collections in 2001, thirty percent for collections in 2002, forty percent for collections in 2003, and fifty percent for collections in 2004 and thereafter. The funds needed to make the distribution to counties provided for in this section are hereby appropriated on a continuing basis for making these payments.

The balance of all revenue received under the Act of Congress cited above must be distributed only to school districts under this chapter and such moneys must be deemed the first moneys withdrawn or expended from the general fund for state school aid purposes.

**SECTION 2. EFFECTIVE DATE.** This Act is effective for all revenues received under the Act of Congress cited in section 1 of this Act after December 31, 1999."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2216: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2216 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2251: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2251 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2364: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2364 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4001: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4001 was placed on the Eleventh order on the calendar.

#### FIRST READING OF SENATE BILLS

Sens. Schobinger, Mutch, Naaden and Rep. Tollefson introduced:

**SB 2385:** A BILL for an Act to amend and reenact section 10-06.1-22, subsection 2 of section 10-30.1-01, subsection 4 of section 10-33-124, sections 57-35.3-06, 57-38-01, 57-38-01.1, subdivision i of subsection 1 of section 57-38-01.2, subsections 1 and 2 of section 57-38-01.7, section 57-38-01.17, subsection 5 of section 57-38-04, sections 57-38-07.1, 57-38-34, subsection 12 of section 57-38-40, sections 57-38-44, 57-38-45, 57-38-62, and 57-38.1-17.2 of the North Dakota Century Code relating to elimination of the corporate income tax; and to repeal sections 57-38-01.3, 57-38-01.4, 57-38-07.2, 57-38-11, 57-38-12, 57-38-13, 57-38-14, 57-38-30, 57-38-30.1, 57-38-30.5, 57-38-32, 57-38-64, 57-38.1-17.3, and chapter 57-38.4 of the North Dakota Century Code, relating to the corporate income tax; to provide for application; and to provide an effective date.

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

Sens. Schobinger, Heitkamp, Thane and Rep. Gulleon introduced:

**SB 2386:** A BILL for an Act to create and enact two new sections to chapter 23-29 of the North Dakota Century Code, relating to a recycling incentive program; to repeal section 23-29-07.5 of the North Dakota Century Code, relating to grants and loans from the solid waste management fund; to provide a penalty; and to provide an appropriation.

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

Sens. Bowman, Solberg and Rep. Drovdal introduced:

**SB 2387:** A BILL for an Act to amend and reenact section 57-02.3-01 of the North Dakota Century Code, relating to payments in lieu of taxes on property owned by the board of university and school lands; and to provide an effective date.

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

Sens. Cook, G. Nelson, W. Stenehjem and Reps. R. Kelsch, Mahoney introduced:

**SB 2388:** A BILL for an Act to amend and reenact subsection 5 of section 14-15-11 of the North Dakota Century Code, relating to adoption investigations.

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

Sens. St. Aubyn, Fischer, B. Stenehjem and Reps. Hawken, Keiser, Timm introduced:

**SB 2389:** A BILL for an Act to create and enact a new section to chapter 49-03 of the North Dakota Century Code, relating to the voluntary sale or trade of facilities and service areas; and to amend and reenact sections 49-03-01.1, 49-03-01.3, 49-03-01.4, and 49-03-05 of the North Dakota Century Code, relating to service by electric public utilities and rural electric cooperatives.

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

Sens. Lyson, Kinnoin and Reps. Nichols, Wald introduced:

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

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

Sen. Sand introduced:

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

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

Sens. Thane, Robinson and Reps. DeKrey, Hawken, Sveen introduced:

**SB 2392:** A BILL for an Act to create and enact two new sections to chapter 15-39.1 and a new subsection to section 21-10-06 of the North Dakota Century Code, relating to retiree health benefits for teachers; to amend and reenact sections 15-39.1-29, 15-39.1-30, and subdivision b of subsection 1 of section 57-15-14.2 of the North Dakota Century Code, relating to retiree health benefits for teachers; to provide an appropriation; to provide a continuing appropriation; and to provide for application.

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

Sen. Lindaas introduced:

**SB 2393:** A BILL for an Act to amend and reenact section 28-32-12.1 of the North Dakota Century Code, relating to ex parte communications between an agency head and the agency head's litigation attorney.

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

Sen. St. Aubyn introduced:

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

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

Sen. Mutch introduced:

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

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

Sens. Traynor, Krebsbach, Solberg and Reps. N. Johnson, Mickelson, Nicholas introduced:

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

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

Sens. Schobinger, Andrist, Klein, Naaden introduced:

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

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

Sens. Klein, Wanzek and Rep. Brandenburg introduced:

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

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

Sens. Mutzenberger, DeMers, Freborg and Reps. Ekstrom, Gulleon introduced:

**SB 2399:** A BILL for an Act to create and enact six new sections to chapter 11-16 and a new section to chapter 54-12 of the North Dakota Century Code, relating to the authority of state's attorneys and the attorney general to subpoena and require the production of records in welfare fraud investigations; and to provide a penalty.



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

Sens. Kilzer, DeMers and Reps. Berg, Rose introduced:

**SB 2400:** A BILL for an Act to create and enact four new subsections to section 26.1-04-03, four new subsections to section 26.1-26.4-02, and four new sections to chapter 26.1-36 of the North Dakota Century Code, relating to fairness in health insurance practices, disclosure of health plan information, confidentiality of medical information maintained by health carriers, contract limitations, and health care grievance procedures; and to amend and reenact subsection 14 of section 26.1-04-03, subsections 4 and 5 of section 26.1-26.4-02, sections 26.1-26.4-03, 26.1-26.4-04, 26.1-26.4-04.1, 26.1-47-02, and subsection 2 of section 26.1-47-03 of the North Dakota Century Code, relating to prohibited health insurance practices, health care utilization review procedures, and preferred provider arrangements.

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

Sen. B. Stenehjem introduced:

**SB 2401:** A BILL for an Act to amend and reenact subsection 2 of section 54-21.3-03 of the North Dakota Century Code, relating to the state building code.

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

Sens. Flakoll, Fischer, Krebsbach and Reps. Dorso, B. Thoreson introduced:

**SB 2402:** A BILL for an Act to amend and reenact section 9-08-06 of the North Dakota Century Code, relating to contract provisions restraining business.

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

Sens. Klein, Cook, O'Connell, B. Stenehjem and Reps. Lemieux, Schmidt introduced:

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

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

Sen. Grindberg and Rep. Dorso introduced:

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

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

Sens. Grindberg, St. Aubyn introduced:

**SB 2405:** A BILL for an Act to amend and reenact section 5-02-06 of the North Dakota Century Code, relating to the sale of alcoholic beverages.

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

Sens. B. Stenehjem, Cook, Kringstad, Tomac and Reps. Drovdal, Lemieux introduced:

**SB 2406:** A BILL for an Act to amend and reenact sections 39-06-35, 39-06-36, and 39-08-20 of the North Dakota Century Code, relating to revoked and suspended licenses and driving without liability insurance.

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

Sens. D. Mathern, Flakoll introduced:

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

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

Sens. D. Mathern, Bercier, Grindberg and Reps. Hawken, S. Kelsh introduced:

**SB 2408:** 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 income tax credit for employers who make a contribution to support child care or provide a child care program for children of employees; and to provide an effective date.

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

Sens. Traynor, Heitkamp introduced:

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

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

Sen. Holmberg introduced:

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

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

Sen. Kilzer introduced:

**SB 2411:** A BILL for an Act to amend and reenact section 54-46.1-01 of the North Dakota Century Code, relating to the provision of microfilm services; and to declare an emergency.

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

Sens. Bercier, D. Mathern and Reps. Boucher, Lemieux introduced:

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

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

Sens. Bercier, T. Mathern, Thompson and Reps. Boucher, Lemieux introduced:

**SB 2413:** 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.

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

Sens. Krauter, Grindberg, Kelsh, O'Connell and Reps. Drovdal, R. Kelsch introduced:

**SB 2414:** A BILL for an Act to create and enact a new chapter to title 15 of the North Dakota Century Code, relating to establishment of the North Dakota scholarship trust program student aid commission; and to provide continuing appropriations.

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

Sen. Kelsh introduced:

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

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

Sens. Kelsh, Thompson introduced:

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

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

Sens. Kelsh, T. Mathern, O'Connell, Robinson, Thane and Rep. Gulleson introduced:

**SB 2417:** A BILL for an Act to provide for the establishment of empowerment zones and to provide tax credits for businesses located within empowerment zones; and to provide an appropriation.

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

Sens. Naaden, Mutch and Reps. Boehm, Gorder, Sandvig introduced:

**SB 2418:** A BILL for an Act to create and enact a new section to chapter 12.1-16 and a new section to chapter 43-17 of the North Dakota Century Code, relating to the protection of a preborn child and the duty of physicians; to repeal chapter 14-02.1 of the North Dakota Century Code, relating to abortion control; and to provide for antiseverability.

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

Sens. W. Stenehjem, G. Nelson, Nething and Reps. DeKrey, Devlin, Dorso introduced:

**SB 2419:** A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to funds recovered by the attorney general; and to amend and reenact section 54-12-18 of the North Dakota Century Code, relating to the attorney general refund fund.

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

Sens. Wardner, Tallackson, Robinson and Reps. Bernstein, Kerzman, Poolman introduced:

**SB 2420:** A BILL for an Act to create and enact three new sections to chapter 49-21, five new subsections to section 49-21-01, a new subsection to section 49-21-01.1, subsections 5, 6, and 7 of section 49-21-01.3, and subsections 7, 8, 9, 10, 11, 12, 13, and 14 of section 49-21-01.7 of the North Dakota Century Code, relating to telecommunications facilities, regulation of telecommunications services, telecommunications service prices, and powers of the public service commission; to amend and reenact sections 49-02-01.1, 49-21-04, 49-21-07, 49-21-08.1, and 49-21-10.2 of the North Dakota Century Code, relating to jurisdiction of the public service commission, telecommunications price schedules, discrimination, dialing parity, and telecommunications service quality rules; and to repeal section 49-21-02.1 of the

North Dakota Century Code, relating to exemptions from public service commission regulation.

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

Sens. Cook, Christmann, Tomac and Reps. Berg, R. Kelsch, Mahoney introduced:

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

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

Sens. Tallackson, Kelsh, O'Connell introduced:

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

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

Sens. O'Connell, Lindaas, Schobinger introduced:

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

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

Sens. Lee, B. Stenehjem and Reps. Price, Svedjan introduced:

**SB 2424:** A BILL for an Act to amend and reenact subsections 8, 9, and 11 of section 26.1-36.3-07 of the North Dakota Century Code, relating to the small employer health reinsurance program.

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

Sen. Krauter and Rep. Nicholas introduced:

**SB 2425:** A BILL for an Act to create and enact a new chapter to title 4 of the North Dakota Century Code, relating to the establishment of a livestock production loan program and the issuance of revenue bonds or other evidences of indebtedness by the industrial commission of North Dakota.

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

Sen. Christmann introduced:

**SB 2426:** A BILL for an Act to provide that the operation of sport shooting ranges may not be deemed a nuisance; to provide an effective date; and to declare an emergency.

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

Sens. Tomac, Heitkamp, Krauter, D. Mathern and Rep. Kerzman introduced:

**SB 2427:** A BILL for an Act to create and enact two new sections to chapter 54-18 of the North Dakota Century Code, relating to the formation of a voluntary durum wheat pool; to provide for borrowing authority; and to declare an emergency.

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

Sens. Wanzek, Kinnoin, B. Stenehjem and Reps. Brandenburg, D. Johnson introduced:

**SB 2428:** A BILL for an Act to amend and reenact section 39-04-19 of the North Dakota Century Code, relating to motor vehicle registration fees.

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

Sens. Freborg, Grindberg, G. Nelson introduced:

**SB 2429:** A BILL for an Act to create and enact four new sections to chapter 15-21 of the North Dakota Century Code, or in the alternative to create and enact four new sections to chapter 15.1-06 of the North Dakota Century Code, relating to uniform state content criteria for school districts and uniform state student performance measurements; to provide for a legislative council study; and to provide an appropriation.

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

Sens. Klein, Nething, Wanzek and Rep. Pollert introduced:

**SB 2430:** A BILL for an Act to authorize the director of the department of human services to sell certain land in Stutsman County.

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

Sen. Christmann and Rep. Dorso introduced:

**SB 2431:** A BILL for an Act relating to review of state agency applications for grants from the United States government or foundations.

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

Sens. Wanzek, Klein and Reps. Mueller, Pollert, Weisz introduced:

**SB 2432:** A BILL for an Act to create and enact a new section to chapter 61-32 of the North Dakota Century Code, relating to consolidation of wetlands; and to amend and reenact section 61-32-03 of the North Dakota Century Code, relating to drainage permits.

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

Sens. Wanzek, Christmann, Heitkamp, Solberg and Reps. Huether, Weisz introduced:

**SB 2433:** A BILL for an Act to provide for a nonprofit agricultural property acquisition impact fee on the purchase price of agricultural property acquired by nonprofit corporations.

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

Sens. Solberg, Klein and Rep. Aarsvold introduced:

**SB 2434:** A BILL for an Act to amend and reenact section 24-17-03 of the North Dakota Century Code, relating to outdoor advertising.

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

Sen. Heitkamp introduced:

**SB 2435:** A BILL for an Act to provide an exemption from motor vehicle operator's license provisions for train crew members.

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

Sen. G. Nelson and Rep. Carlson introduced:

**SB 2436:** A BILL for an Act to amend and reenact section 54-35-01 of the North Dakota Century Code, relating to the composition of the North Dakota legislative council; and to provide an effective date.

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Grindberg, G. Nelson, Schobinger and Reps. Clark, Dorso, Grosz introduced:

**SCR 4022:** A concurrent resolution for the amendment of section 2 of article V, section 3 of article IX, and section 12 of article X of the Constitution of North Dakota, relating to the office of state treasurer; to repeal section 15 of article XII of the Constitution of North Dakota, relating to the duties of the state treasurer upon the issuance of legal tender by banks in the state; to provide for transition and application; and to provide an effective date.

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

Sens. Solberg, Grindberg, O'Connell introduced:

**SCR 4023:** A concurrent resolution for the amendment of section 11 of article IV of the Constitution of North Dakota, relating to the filling of vacancies in the legislative assembly.

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

#### FIRST READING OF HOUSE BILLS

**HB 1059:** A BILL for an Act to amend and reenact section 15-38.1-04 of the North Dakota Century Code, relating to compensation for members of the education factfinding commission.

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

**HB 1065:** A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 39-12-02 and subdivision d of subsection 1 of section 39-12-04 of the North Dakota Century Code, relating to an exemption from width, height, and weight limitations for commercial portable grain cleaners.

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

**HB 1082:** A BILL for an Act to amend and reenact section 57-36-07 of the North Dakota Century Code, relating to the size of packages for cigarette and roll-your-own tobacco sales or distribution; and to declare an emergency.

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

**HB 1139:** A BILL for an Act to create and enact a new section to chapter 61-16.1 of the North Dakota Century Code, relating to appeals of water resource board decisions of noncomplying dams, dikes, or other devices to the state engineer.

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

**HB 1157:** A BILL for an Act to amend and reenact sections 23-34-03, 43-17-03, 43-17.1-01, 43-17.1-02, 43-17.1-04, 43-17.1-05, 43-17.1-05.1, 43-17.1-06, 43-17.1-08, and 43-17.1-09 of the North Dakota Century Code, relating to the commission on medical competency; and to repeal section 43-17.1-03 of the North Dakota Century Code, relating to compensation of members of the commission on medical competency.

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

**HB 1166:** A BILL for an Act to create and enact five new sections to chapter 61-24.6 of the North Dakota Century Code, relating to water rates, operation and maintenance fund, reserve fund for replacement, capital costs, and areas served by the northwest area water supply project; and to amend and reenact section 61-02-23.1 and subsections 3, 6, and 7 of section 61-24.6-02 of the North Dakota Century Code, relating to condemnation of property for and inclusion of Pierce County in the northwest area water supply project.

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

**HB 1181:** A BILL for an Act to amend and reenact sections 15-47-08, 16.1-11-16, 16.1-12-02, 40-08-06, 40-13-03, 40-21-02, 40-21-07, 44-01-04, and 44-02-01 of the North Dakota Century Code, relating to officers of political subdivisions taking oaths of office and failing to qualify for office, nominating petitions and procedures for circulating nominating petitions, filling unexpired terms on a city council by election, and appointing election workers in city elections.

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

**HB 1203:** A BILL for an Act to amend and reenact section 57-51-16 of the North Dakota Century Code, relating to the allocation of revenue from oil and gas gross production taxes from unidentified sources; and to provide an effective date.

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

**HB 1209:** A BILL for an Act to create and enact a new subsection to section 26.1-05-19 of the North Dakota Century Code, relating to an insurance company's authorized investment of funds in a North Dakota low-risk incentive fund; to amend and reenact sections 26.1-50-06 and 26.1-50-07 of the North Dakota Century Code, relating to tax credits available to a North Dakota low-risk incentive fund and the admitted assets of insurers; and to provide a penalty.

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

**HB 1216:** A BILL for an Act to create and enact a new chapter to title 39 of the North Dakota Century Code, relating to low-speed vehicles; to amend and reenact section 57-40.3-01 of the North Dakota Century Code, relating to the motor vehicle excise tax; to provide a penalty; and to declare an emergency.

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

**HB 1242:** A BILL for an Act to provide automated external defibrillator site requirements and civil liability immunity for the use of an automated external defibrillator.

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

**HB 1269:** A BILL for an Act to amend and reenact subsection 1 of section 52-06-02 of the North Dakota Century Code, relating to disqualification from unemployment compensation benefits.

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 subsection to section 6-05-08 of the North Dakota Century Code, relating to the corporate powers of a state-chartered trust company.

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

**HB 1297:** A BILL for an Act to amend and reenact sections 26.1-36-09.1 and 54-52.1-04.4 of the North Dakota Century Code, relating to health insurance and public employee retirement system coverage of mammograms.

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

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

**WILLIAM C. PARKER, Secretary**