

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

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Bismarck, February 15, 1999

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

The prayer was offered by Chaplain Clyde Leimberer, The Baptist Home, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Stan Wright.

MOTION

SEN. ST. AUBYN MOVED that after action taken on the Sixth order, SB 2162, SB 2278, SB 2370, SB 2405, SB 2002, SB 2004, SB 2012, SB 2168, and SB 2188 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

MOTION

SEN. THANE MOVED that SB 2320, which is on the Sixth order, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. Thane's motion, SB 2320 was rereferred.

MOTION

SEN. ST. AUBYN MOVED that SB 2304, which is on the Eleventh order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Sen. St. Aubyn's motion, SB 2304 was rereferred.

MOTION

SEN. ST. AUBYN MOVED that SB 2045, which is on the Eleventh order, be moved to the bottom of the calendar, which motion prevailed.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Joe Satrom.

CONSIDERATION OF AMENDMENTS

SB 2162: SEN. FREBORG (Education Committee) MOVED that the amendments proposed on SJ pages 267-272, and as further amended on SJ pages 311-317, be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2162: A BILL for an Act to provide for the reimbursement of certain reorganized districts; to create and enact two new sections to chapter 15-40.1 of the North Dakota Century Code, relating to contingent per student payments and proportionate payments for summer school programs; to amend and reenact subsection 2 of section 15-40.1-06, sections 15-40.1-07, 15-40.1-07.3, 15-40.1-08, subsection 1 of section 57-15-14.2, and section 57-15-17.1 of the North Dakota Century Code, relating to educational support per student and payment factors; and to declare an emergency.

MOTION

SEN. FREBORG MOVED that Engrossed SB 2162 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 6, after the semicolon insert "to provide an appropriation;"

Page 14, after line 21, insert:

"SECTION 10. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as may be necessary, to the superintendent of

public instruction for the purpose of financially assisting eligible school districts that have experienced declining student enrollments, for the biennium beginning July 1, 1999, and ending June 30, 2001. A district is eligible to receive payments under this section if the district's student enrollment at the conclusion of the 1998-99 school year is less than the district's student enrollment at the conclusion of the 1993-94 school year. The superintendent shall base the per student payments on the decline in student enrollments experienced by each eligible school district between the conclusion of the 1993-94 school year and the conclusion of the 1998-99 school year. The superintendent shall distribute the per student payments under this section no earlier than June 1, 2000, nor later than June 30, 2000."

Renumber accordingly

SB 2162: A BILL for an Act to provide for the reimbursement of certain reorganized districts; to create and enact two new sections to chapter 15-40.1 of the North Dakota Century Code, relating to contingent per student payments and proportionate payments for summer school programs; to amend and reenact subsection 2 of section 15-40.1-06, sections 15-40.1-07, 15-40.1-07.3, 15-40.1-08, subsection 1 of section 57-15-14.2, and section 57-15-17.1 of the North Dakota Century Code, relating to educational support per student and payment factors; to provide an appropriation; and to declare an emergency.

MOTION

SEN. FREBORG MOVED that Reengrossed SB 2162 be amended as follows, which motion prevailed on a voice vote.

Page 15, after line 2, insert:

"SECTION 11. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$3,000,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing supplemental per student payments to school districts, for the biennium beginning July 1, 1999, and ending June 30, 2001. The superintendent shall distribute the per student payments to each school district in the state on the basis of average daily membership. The superintendent shall distribute fifty percent of the moneys provided under this section during the first year of the biennium and the remaining fifty percent during the second year of the biennium."

Renumber accordingly

MOTION

SEN. FREBORG MOVED that Reengrossed SB 2162 be further amended as follows, which motion prevailed on a verification vote.

Page 1, line 4, replace "subsection 2 of section" with "sections" and remove "sections"

Page 1, line 9, replace "Subsection 2 of section" with "Section"

Page 1, after line 10, insert:

"15-40.1-06. Declaration of legislative intent - Educational support per student - School district equalization factor - Limitations.

1. It is the intent of the legislative assembly, ~~not considering any separate and supplemental payments as may be provided by law,~~ to support elementary and secondary education in this state from state funds based on the educational cost per student. For purposes of this section, state funds include all appropriations for foundation aid, tuition apportionment, supplemental per student payments, special education, vocational education, school district technology, the governor's school, teacher centers, and the leadership in educational administration development consortium. In determining the educational cost per student, the following criteria may not be used:
 - a. Expenditures for capital outlay for buildings and sites, or debt service.
 - b. Expenditures from school activities and school lunch programs.
 - c. Expenditures for the cost of transportation, including the cost of schoolbuses."

Page 3, after line 3, insert:

- "3. In determining the amount of payments due school districts for tuition apportionment provided in section 15-44-03, and per student aid under this section, the amount of tuition apportionment, foundation aid, special education aid, and transportation aid for which a school district is eligible must be added together, and from that total, the following amounts must be subtracted:
- a. The product of thirty-two mills times the latest available net assessed and equalized valuation of property of the school district.
 - b. The amount that the unobligated general fund balance of a school district on the preceding June thirtieth is in excess of three-fourths of the actual expenditures, plus an additional twenty thousand dollars.
4. No school district may receive foundation payments beyond the October payment unless the following reports have been filed with the superintendent of public instruction:
- a. Annual average daily membership report.
 - b. Annual school district financial report.
 - c. The September tenth fall enrollment report.
 - d. The personnel report forms for certified and noncertified employees.
5. No school district may receive the January foundation payment unless the taxable valuation and mill levy certifications are on file with the department of public instruction by December fifteenth."

Renumber accordingly

SB 2162: A BILL for an Act to provide for the reimbursement of certain reorganized districts; to create and enact two new sections to chapter 15-40.1 of the North Dakota Century Code, relating to contingent per student payments and proportionate payments for summer school programs; to amend and reenact sections 15-40.1-06, 15-40.1-07, 15-40.1-07.3, 15-40.1-08, subsection 1 of section 57-15-14.2, and section 57-15-17.1 of the North Dakota Century Code, relating to educational support per student and payment factors; to provide an appropriation; 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 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

Reengrossed SB 2162 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2208: SEN. WARDNER (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 410 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2212: SEN. THOMPSON (Transportation Committee) MOVED that the amendments on SJ page 410 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2278: SEN. ROBINSON (Appropriations Committee) MOVED that the amendments on SJ page 411 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2278: A BILL for an Act to create and enact a new section to chapter 15-27.4 of the North Dakota Century Code, or in the alternative to create and enact a new section to chapter 15.1-12 of the North Dakota Century Code, relating to the use of a dissolved district's unobligated 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 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

Engrossed SB 2278 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2309: SEN. FLAKOLL (Political Subdivisions Committee) MOVED that the amendments on SJ pages 411-412 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2330: SEN. W. STENEHJEM (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 412 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2362: SEN. KILZER (Human Services Committee) MOVED that the amendments on SJ page 412 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2370: SEN. LEE (Political Subdivisions Committee) MOVED that the amendments on SJ pages 412-413 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2370: A BILL for an Act to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to pawnshops and certain secondhand stores; 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 33 YEAS, 16 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; DeMers; Fischer; Flakoll; Freborg; Grindberg; Kelsh; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Wanzek; Wardner; Watne

NAYS: Bowman; Christmann; Cook; Heitkamp; Holmberg; Kilzer; Kinnoin; Klein; Mutch; Naaden; O'Connell; Schobinger; Solberg; Stenehjem, B.; Tomac; Urlacher

Engrossed SB 2370 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2405: SEN. HEITKAMP (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 414-415 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2405: A BILL for an Act to amend and reenact sections 5-02-01.1 and 5-02-06 of the North Dakota Century Code, relating to the sale of alcoholic beverages; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2405 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SCR 4024: SEN. THANE (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 415 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SCR 4025: SEN. KROEPLIN (Agriculture Committee) MOVED that the amendments on SJ pages 415-416 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SCR 4030: SEN. KILZER (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 416 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2002: SEN. KRINGSTAD (Appropriations Committee) MOVED that the amendments on SJ pages 388-390 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 secretary of state and public printing; to create and enact a new section to chapter 54-09 of the North Dakota Century Code, relating to the secretary of state's general services operating fund; and to amend and reenact sections 41-09-42.1 and 54-09-05 of the North Dakota Century Code, relating to fees collected by the secretary of state and the salary of the secretary of state.

ROLL CALL

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

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

Engrossed SB 2002 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2004: SEN. NAADEN (Appropriations Committee) MOVED that the amendments on SJ pages 390-391 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2004: 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.

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

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

NAYS: Kelsh; O'Connell

Engrossed SB 2004 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2012: SEN. ST. AUBYN (Appropriations Committee) MOVED that the amendments on SJ pages 391-400 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2012: A BILL for an Act to provide an appropriation for defraying the expenses of the department of human services; to create and enact a new section to chapter 50-09, a new section to chapter 50-24.3, and a new section to chapter 50-24.4 of the North Dakota Century Code, relating to the county share of foster care costs, the duty of nursing facilities to assure preadmission assessment of medicaid recipients, and the limits on geropsychiatric nursing facilities; to amend and reenact sections 25-03.1-04, 50-24.3-01, 50-24.3-03, subsection 5 of section 50-24.4-10, and section 50-24.4-13 of the North Dakota Century Code, relating to public treatment facilities, the provision of targeted case management, preadmission assessments, operating cost limits for nursing homes, and to exceptions to case mix nursing home rates; to amend and reenact section 4 of chapter 561 of the 1991 Session Laws, as amended by section 18 of chapter 2 of the 1993 Session Laws, section 9 of chapter 34 of the 1995 Session Laws, and section 16 of chapter 12 of the 1997 Session Laws, relating to appropriation for projects at westwood park; to repeal section 25-04-20 of the North Dakota Century Code, relating to the westwood park assets management committee; to provide for the transfer of appropriations between agencies and institutions; to provide for reports to the budget section; to provide for a legislative council study; to provide legislative intent regarding basic care rates; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

CONSIDERATION OF AMENDMENTS

SB 2168: SEN. ST. AUBYN (Appropriations Committee) MOVED that the amendments on SJ page 401 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2168: A BILL for an Act to create and enact a new chapter to title 6, a new section to chapter 50-24.4, and a new chapter to title 50 of the North Dakota Century Code, relating to a funding pool to establish the North Dakota health care trust fund to make grants and loans to support development of adult residential care facilities, assisted living facilities, and other alternatives to nursing facility care; to repeal chapter 50-21 of the North Dakota Century Code, relating to the administration of a revolving fund for nursing homes and homes for aged; to provide continuing appropriations to make funding pool payments and disbursements from the North Dakota health care trust fund; to declare a retroactive application; to provide an appropriation; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2168 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2188: SEN. NETHING (Appropriations Committee) MOVED that the amendments on SJ pages 402-410 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2188: A BILL for an Act to create and enact a new section to chapter 61-01 and chapter 61-02.1 of the North Dakota Century Code, relating to statewide water development goals and the issuance of bonds to finance construction of flood control projects, the southwest pipeline project, a Devils Lake outlet, and a statewide water development program; to amend and reenact subdivision d of subsection 5 of section 61-02-02 of the North Dakota Century Code, relating to the definition of works; to require the pledging of funds for certain water projects; to allocate funds from settlements with tobacco product manufacturers; to provide a statement of legislative intent; to provide for reports to the legislative council; to provide an appropriation; to provide an effective date; to provide an expiration date; and to declare an emergency.

MOTION

SEN. SAND MOVED that Engrossed SB 2188 be amended as follows:

Page 2, line 9, replace "fifty-two" with "twenty-five"

Page 2, line 10, replace "three" with "one"

Page 3, line 8, remove ", twenty-seven million dollars in state funds."

Page 3, line 10, replace "three" with "one"

Page 4, line 4, replace "three" with "one"

Page 4, line 26, replace "three" with "one"

Page 5, line 15, replace "three" with "one"

Page 6, line 4, replace "three" with "one"

Page 6, line 23, replace "fifty-eight" with "twenty-eight"

Page 10, line 23, replace "sixty" with "thirty-three"

Page 10, line 25, replace "sixty" with "thirty-three"

Page 10, line 27, replace "fifty-two" with "twenty-five"

Renumber accordingly

REQUEST

SEN. SAND REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2188, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SB 2188, the roll was called and there were 9 YEAS, 40 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; Kelsh; Kinnoin; Klein; Kroeplin; Mutch; O'Connell; Redlin; Sand

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

The proposed amendments to Engrossed SB 2188 were defeated.

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

NAYS: Christmann; Freborg; Kinnoin; Kroeplin; Lyson; Mutch; Stenehjem, B.

Engrossed SB 2188 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2223: A BILL for an Act to amend and reenact sections 12.1-17-01.1, 12.1-17-02, subdivision a of subsection 1 of section 12.1-32-15, and subsection 1 of section 14-09-22 of the North Dakota Century Code, relating to the crimes of assault, aggravated assault, and abuse or neglect of a child; and to provide a penalty.

ROLL CALL

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

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

Engrossed SB 2223 passed and the title was agreed to.

MOTION

SEN. ST. AUBYN MOVED that SB 2372, SB 2039, SB 2300, and SB 2399 be moved to the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2372: A BILL for an Act to amend and reenact subsection 1 of section 44-04-21.1 of the North Dakota Century Code, relating to the administrative review procedure for a written denial of a request for public records or a denial of access to a public meeting.

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

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

Engrossed SB 2372 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2039: A BILL for an Act to amend and reenact subsection 1 of section 14-09-09.7 of the North Dakota Century Code, relating to the impact of extended visitation on child support orders.

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

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

Engrossed SB 2039 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2300: A BILL for an Act to amend and reenact subsection 5 of section 27-20-24 and subsection 6 of section 27-20-51 of the North Dakota Century Code, relating to juvenile court hearings and records.

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; 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 2300 passed and the title was agreed to.

SECOND READING OF SENATE BILL

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.

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 9 YEAS, 40 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Freborg; Kelsh; Kinnoin; Mathern, D.; Mathern, T.; Mutzenberger; O'Connell; Schobinger; Tomac

NAYS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mutch; Naaden; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Wardner; Watne

SB 2399 lost.

MOTION

SEN. G. NELSON MOVED that SB 2429 be returned to the Senate floor from the **Appropriations Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. FREBORG REQUESTED the unanimous consent of the Senate to withdraw SB 2429. There being no objection, it was so ordered by the President.

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 1005, HB 1006, HB 1008, HB 1010, HB 1013, HB 1014, HB 1018, HB 1040, HB 1128, HB 1144, HB 1152, HB 1156, HB 1169, HB 1260, HB 1296, HB 1300, HB 1324, HB 1336, HB 1337, HB 1347, HB 1364, HB 1396, HB 1398, HB 1410, HB 1411, HB 1412, HB 1418, HB 1428, HB 1429, HB 1431, HB 1487, HCR 3013, HCR 3018, HCR 3023, HCR 3027, HCR 3039, HCR 3041, HCR 3046, HCR 3047, HCR 3050.

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 1052, HB 1433, HCR 3011, HCR 3015, HCR 3021, HCR 3022, HCR 3044.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3056.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2090, SCR 4004.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2105.

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 2008, SB 2031, SB 2068, SB 2081, SB 2082, SB 2132, SB 2195, SB 2213, SB 2217, SB 2233, SB 2236, SB 2242, SB 2246, SB 2247, SB 2255, SB 2271, SB 2287, SB 2289, SB 2310, SB 2348, SB 2358, SB 2375, SB 2393, SB 2408.

MOTION

SEN. ST. AUBYN MOVED that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:30 a.m., Tuesday, February 16, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2016: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2016 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "2,313,536" with "2,298,200"

Page 1, line 13, replace "62,738,332" with "55,738,332"

Page 1, line 14, replace "66,170,373" with "59,155,037"

Page 1, line 15, replace "65,239,670" with "58,230,947"

Page 1, line 16, replace "930,703" with "924,090"

Page 1, line 18, replace "\$249,624" with "\$248,799"

Page 1, after line 20, insert:

"SECTION 3. DISASTER CLAIMS RELATING TO THE SPRING 1997 FLOOD. Notwithstanding any other provision of law, the division of emergency management is not to borrow any funds from the Bank of North Dakota for the state's share of any remaining claims relating to the spring 1997 flooding in the Red River valley. For all remaining claims relating to the spring 1997 flooding in the Red River valley, the affected political subdivision must pay the state's five percent matching share and the local five percent matching share if it accepts funding from the federal emergency management agency.

Notwithstanding any other provision of law, the University of North Dakota is not to borrow any funds from the Bank of North Dakota for the university's share of any remaining claims relating to the spring 1997 flooding in the Red River valley. The university is to include any needed matching funds for its remaining claims in its 2001-03 biennium budget request."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 512 - DIVISION OF EMERGENCY MANAGEMENT

SENATE - This amendment makes the following changes:

| | EXECUTIVE BUDGET | SENATE CHANGES | SENATE VERSION |
|--------------------|-------------------|--------------------|-------------------|
| Salaries and wages | \$2,313,536 | (\$15,336) | \$2,298,200 |
| Operating expenses | 931,852 | | 931,852 |
| Equipment | 186,653 | | 186,653 |
| Grants | <u>62,738,332</u> | <u>(7,000,000)</u> | <u>55,738,332</u> |
| Total all funds | \$66,170,373 | (\$7,015,336) | \$59,155,037 |
| Less special funds | <u>65,239,670</u> | <u>(7,008,723)</u> | <u>58,230,947</u> |
| General fund | \$930,703 | (\$6,613) | \$924,090 |
| FTE | 20.00 | 0.00 | 20.00 |

Detail of Senate changes to the executive budget includes:

| | REDUCE COMPENSATION PACKAGE TO 2/2 | ADJUST HEALTH INSURANCE COST | DECREASE GRANTS | TOTAL SENATE CHANGES |
|--------------------|------------------------------------|------------------------------|----------------------|----------------------|
| Salaries and wages | (\$21,038) | \$5,702 | | (\$15,336) |
| Operating expenses | | | | |
| Equipment | | | | |
| Grants | | | <u>(\$7,000,000)</u> | <u>(7,000,000)</u> |
| Total all funds | (\$21,038) | \$5,702 | (\$7,000,000) | (\$7,015,336) |
| Less special funds | <u>(12,054)</u> | <u>3,331</u> | <u>(7,000,000)</u> | <u>(7,008,723)</u> |
| General fund | (\$8,984) | \$2,371 | \$0 | (\$6,613) |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 |

Senate changes narrative:

This amendment reduces the grants line item by \$7 million of special funds which were included in anticipation of cost overruns on disaster claims at the University of North Dakota.

The amendment also adds a section of legislative intent providing that the Division of Emergency Management is not to borrow from the Bank of North Dakota in order to match federal funds relating to the spring 1997 flooding in the Red River valley. The section also provides that the affected political subdivision is required to pay the state's share of the federal match in addition to the local share of the federal match in order to receive FEMA funds.

REPORT OF STANDING COMMITTEE

SB 2044: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2044 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2170: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2170 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "14-19" insert ", and a new section to chapter 20.1-03"

Page 1, line 3, replace the first "and" with a comma and after "entities" insert ", and the recording of social security numbers on game and fish license and permit applications"

Page 1, line 5, replace "14-09-27" with "14-09-25"

Page 1, line 9, after "laws" insert "and the state disbursement unit", remove "and", replace "section" with "sections", and after "14-09-14" insert "and 14-09-27"

Page 1, line 10, after "support" insert "and to the state disbursement fund; to provide a continuing appropriation; to provide an effective date; and to declare an emergency"

Page 5, line 14, after "and" insert "be"

Page 5, line 21, after the third boldfaced period insert:

"1."

Page 5, line 25, after the period insert:

"2."

Page 6, line 2, after the period insert:

"3."

Page 6, line 10, after "4-" insert "4." and after the second "the" insert "The"

Page 6, line 11, remove the overstrike over "income payer", after "to" insert "shall", and remove the overstrike over "~~withhold a stated amount, determined under~~"

Page 6, remove the overstrike over line 12

Page 6, line 13, remove the overstrike over "~~transmittal to the~~" and remove the overstrike over "~~public authority within seven business days of~~"

Page 6, remove the overstrike over lines 14 and 15

Page 6, line 16, after "2." insert "5.", after "the" insert "The", and remove the overstrike over "~~income payer may also withhold and retain an additional sum of three~~"

Page 6, remove the overstrike over lines 17 and 18

Page 6, line 19, after "3." insert "6.", after "the" insert "The", and remove the overstrike over "~~amount to be withheld, including amounts to cover expenses involved in~~"

Page 6, remove the overstrike over lines 20 through 23

Page 6, line 24, after "4-" insert "7.", after the first "the" insert "The", and remove the overstrike over "~~income payer shall begin withholding no later than the first payday that~~"

Page 6, remove the overstrike over line 25

Page 6, line 26, after "5." insert "8.", after "if" insert "If", and remove the overstrike over "~~the income payer is served with more than one income withholding order~~"

Page 6, remove the overstrike over lines 27 through 29

Page 6, line 30, remove the overstrike over "~~permitted, and transmit to the~~" and remove the overstrike over "~~public authority that portion~~"

Page 6, remove the overstrike over line 31

Page 7, line 1, after "6:" insert "9.", after the first "the" insert "The", remove the overstrike over "income payor shall notify the", and remove the overstrike over "public authority in writing"

Page 7, remove the overstrike over lines 2 through 4

Page 7, line 5, after "7:" insert "10.", after "if" insert "If", and remove the overstrike over "the income payor is subject to income withholding orders for more than one"

Page 7, line 6, remove the overstrike over "obligor"

Page 7, line 11, after "Thereafter" insert an underscored comma and remove the overstrike over "the income payor may combine in a single payment the amounts"

Page 7, remove the overstrike over lines 12 and 13

Page 7, line 25, replace "14-09-27" with "14-09-25"

Page 7, replace lines 27 through 31 with:

"14-09-25. (~~Effective July 1, 1999~~) State disbursement unit - Duties - Continuing appropriation.

1. The public authority shall establish a state disbursement unit for the collection and disbursement of payments of child support. The state disbursement unit is responsible for the collection and disbursement of all payments under child support orders.
2. The public authority may contract with any public or private entity for any service provided by the state disbursement unit. The state disbursement unit may employ technology and agents to allow receipt of child support payments at locations and times when state disbursement unit staff are not available.
3. The state disbursement unit shall use automated procedures, electronic processes, and computer-driven technology, including the statewide automated data processing system established under section 50-09-02.1, to the maximum extent feasible, efficient, and economical, for the collection and distribution of child support payments.
4. The state disbursement unit shall account for and disburse all support payments received by it, maintain necessary records, and develop procedures for providing information to the parties, including the obligor and obligee, regarding actions taken and, at least annually, regarding child support payments collected and distributed. The state disbursement unit shall adopt procedures for the maintenance and retention of records of child support payments, and for the storage and destruction of records when the support obligation is satisfied or is terminated.
5. The state disbursement unit shall ~~establish a fund, known as the state disbursement unit fund. All deposit all child support payments received, except those payments assigned to the state, shall be deposited into the state disbursement unit fund, and all disbursements of child support, except those payments assigned to the state, must be made from the state disbursement unit fund in the state treasury. All payments so deposited,~~ except those payments assigned to the state, are appropriated to the public authority as a standing and continuing appropriation for the purpose of making disbursements to obligees entitled to the child support payments collected.
6. The state disbursement unit shall disburse collected child support payments in conformity with title IV-D of the Social Security Act [Pub. L. 93-647; 88 Stat. 2351; 42 U.S.C. 651 et seq.]. Any disbursement made in error is not a gift and must be repaid. The public authority may take any action not inconsistent with law to secure repayment of any disbursement made in error.

7. Unless notice has otherwise been provided, the state disbursement unit shall provide notice to the obligor, the obligee, and any income payor that payment must be made to the state disbursement unit."

Page 8, remove lines 1 and 2

Page 8, line 25, after "support" insert "and, subject to section 14-09-06.6" and remove the second underscored comma

Page 11, line 7, replace "entitys" with "entity's"

Page 11, after line 15, insert:

"**SECTION 18.** A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

Social security number to be furnished. The social security number of an applicant for any license or permit issued under this chapter must be recorded on the application unless the applicant is a foreign national to whom no social security number has been issued. A social security number recorded under this section is exempt from section 44-04-18 and section 6 of article XI of the Constitution of North Dakota."

Page 15, after line 9, insert:

"**SECTION 25. REPEAL.** Section 14-09-27 of the North Dakota Century Code is repealed.

SECTION 26. EFFECTIVE DATE. Sections 9 and 25 of this Act are effective July 1, 1999.

SECTION 27. EMERGENCY. Sections 9 and 25 of this Act are declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2245: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2245 was placed on the Sixth order on the calendar.

Page 2, line 7, remove the overstrike over "~~two~~", remove "five", and remove the overstrike over "~~set aside for the North Dakota~~"

Page 2, line 8, remove the overstrike over "~~education association instructional conference, three~~"

Page 2, line 9, after "~~been~~" insert "days"

Page 2, line 10, remove "for holidays, instructional conferences, and school activities"

Page 3, line 12, remove the overstrike over "~~Three~~" and remove "Five"

Page 3, line 13, remove the overstrike over the semicolon

Page 3, remove the overstrike over line 14

Page 3, line 15, remove the overstrike over "~~association instructional conference~~" and remove "for holidays, instructional conferences,"

Page 3, line 16, remove "and school activities"

Page 3, line 17, remove the overstrike over "~~d~~." and remove "c."

Page 4, line 1, remove the overstrike over "~~Three~~"

Page 4, line 2, remove "Five"

Page 4, line 3, remove the overstrike over the semicolon

Page 4, remove the overstrike over line 4

Page 4, line 5, remove the overstrike over "~~association instructional conference~~" and remove "~~for holidays, instructional conferences.~~"

Page 4, line 6, remove "and school activities"

Page 4, line 7, remove the overstrike over "~~d.~~" and remove "c."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2276: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2276 was placed on the Sixth order on the calendar.

Page 1, remove lines 8 and 9

Page 1, line 10, replace "b" with "a"

Page 1, line 12, replace "c" with "b"

Page 1, line 14, replace "d" with "c"

Page 1, line 17, replace "e" with "d"

Page 1, line 19, replace "f" with "e"

Page 1, line 21, replace "g" with "f"

Page 1, line 23, replace "h" with "g"

Page 1, line 24, replace "collision-damaged" with "damaged"

Page 2, line 3, replace "an insurer requires the use of any" with "a repair facility"

Page 2, remove lines 4 through 6

Page 2, line 7, remove "Before an installer"

Page 2, line 12, replace "twelve-point" with "ten-point"

Page 2, line 15, after "installed" insert "subject to the conditions in subsection 4"

Page 3, line 14, replace "three" with "two"

Page 3, line 15, remove "new"

Page 3, line 20, remove "new"

Page 3, line 21, replace "an" with "a facility"

Page 3, line 22, remove "installer"

Page 3, line 23, replace "three" with "two"

Page 3, line 25, remove "new"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2277: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2277 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2294: 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 2294 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact a new section to chapter 54-40.2 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to agreements between Indian tribes and the state; and"

Page 1, line 8, after the third boldfaced period insert "In this chapter:"

Page 1, line 16, remove "corporate" and remove "registered with the"

Page 1, line 17, remove "secretary of state and which is otherwise", after "authorized" insert "by a tribe", and replace "under" with "of any kind without further approval by the government of the tribe"

Page 1, line 18, remove "this chapter"

Page 1, line 22, remove "or the governor on behalf of the state"

Page 1, line 24, remove "the state or"

Page 2, line 2, remove "the state or"

Page 2, line 10, replace "the state" with "a public agency"

Page 2, line 15, remove the overstrike over "a" and remove "the state or other"

Page 2, remove lines 17 through 25

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2308: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2308 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and" and after "penalty" insert "; and to provide an effective date"

Page 1, line 7, replace "registration" with "agreements dealing with highway registration fees"

Page 1, after line 13, insert:

"SECTION 2. EFFECTIVE DATE. This Act becomes effective on August 1, 2001."

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2316: 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 2316 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "16.1-08.1-01,", replace the second "and" with ", 16.1-08.1-03,", and after "16.1-08.1-03.2" insert ", subsection 3 of section 16.1-08.1-03.3, sections 16.1-08.1-03.6, and 16.1-08.1-06"

Page 1, line 2, remove "the filing of" and replace "by political" with a period

Page 1, remove line 3

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 16.1-08.1-01 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-01. Definitions. As used in this chapter, unless the context otherwise plainly requires:

1. "Association" means any club, association, union, brotherhood, fraternity, organization, or group of any kind of two or more persons, including labor unions, trade associations, professional associations, or governmental associations, which is united for any purpose, business, or object and which assesses any dues, membership fees, or license fees in any amount, or which maintains a treasury fund in any amount. The term does not include corporations, cooperative corporations, limited liability companies, political committees, or political parties.
2. "Candidate" means an individual who seeks nomination for election or election to public office.
3. "Contribution" means a gift, subscription, loan, advance, or deposit of money, made for the purpose of influencing the nomination for election, or election, of any person to public office or aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure. Contribution also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any of the above purposes, ~~and~~. Contribution includes funds received by a candidate for public office or a political party or committee which are transferred or signed over to that candidate, party, or committee from another candidate, party, or political committee or other source except as provided in subdivision d. This definition does not include:
 - a. A loan of money from a bank or other lending institution made in the regular course of business.
 - b. Time spent by volunteer campaign or political party workers.
 - c. Money spent by a candidate on the candidate's own behalf.
 - d. ~~Any money received from a district or state committee of a political party, as established pursuant to sections 16.1-03-06 and 16.1-03-08, except for contributions reported pursuant to section 16.1-08.1-03 by a candidate for public office which is immediately transferred or signed over to a district or state committee of a political party within ten days of the candidate receiving the money. A transfer of this kind must be reported by the district or state committee of the political party as a contribution according to section 16.1-08.1-03, and show the origin of the contribution.~~
4. "Cooperative corporations", "corporations", and "limited liability companies" are as defined in this code.
5. "Expenditure" means a purchase, payment, distribution, loan, advance, deposit, or gift of money or property, except a loan of money from a bank or other lending institution made in the regular course of business, made for the purpose of influencing the nomination for election, or election, of any person to office. The term also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure and includes the transfer of funds by a political committee to another political committee.
6. "Patron" means a person who owns equity interest in the form of stock, shares, or membership or maintains similar financial rights in a cooperative corporation.
7. "Person" means an individual, partnership, committee, association, corporation, cooperative corporation, limited liability company, or other organization or group of persons.
8. "Political committee" means any committee, club, association, or other group of persons which receives contributions or makes expenditures primarily for political purposes and any committee organized in support of a candidate or several candidates seeking public office.

9. "Political party" means any association, committee, or organization which nominates a candidate for election to any office which may be filled by a vote of the electors of this state or any of its political subdivisions and whose name appears on the election ballot as the candidate of such association, committee, or organization.
10. "Political purpose" means any activity undertaken in support of or in opposition to the election or nomination of a candidate to public office whether the activity is undertaken by a candidate, a political committee, a political party, or any person. The term does not include activities undertaken in the performance of a duty of a state office.
11. "Public office" means every statewide or legislative office to which persons can be elected by vote of the people under the laws of this state."

Page 1, line 10, after "candidate" insert "or several candidates"

Page 2, line 1, remove "for" and overstrike "a legislative candidate must be filed in the office of the county auditor"

Page 2, line 2, overstrike "of the candidate's county of residence. Statements", remove "for", and overstrike "state office candidates"

Page 2, line 5, overstrike "calendar year" and insert immediately thereafter "reporting period"

page 2, after line 6, insert:

"SECTION 3. AMENDMENT. Section 16.1-08.1-03 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-03. Contributions statement required of political parties. Any political party that receives contributions in excess of one hundred dollars in the aggregate during the reporting period shall file a statement containing a detailed list of all contributions received from a person or political committee which exceed one hundred dollars in amount. The statement must include the name and mailing address of all contributors listed, the amount of each reportable contribution, and the date each reportable contribution was received.

A yearend statement covering the entire calendar year must be filed with the secretary of state no later than the thirty-first day of January of the following year. A preelection statement must be filed no later than the twelfth day before any election at which the party has endorsed or will nominate a candidate and must be complete from the beginning of that calendar year through the twentieth day before the election.

Even if the political party has not received any contributions in excess of one hundred dollars during the reporting period, the political party shall file a statement as required by this chapter."

Page 2, line 14, after the period insert "Political committees that organize and register according to federal law shall register within five days of making a contribution to a nonfederal candidate seeking public office and in doing so shall follow the reporting requirements provided in section 16.1-08.1-03.3."

Page 2, after line 14, insert:

"SECTION 5. AMENDMENT. Subsection 3 of section 16.1-08.1-03.3 of the North Dakota Century Code is amended and reenacted as follows:

3. All political committees formed for the purpose of administering the segregated fund provided for in this section shall file a statement showing the name and mailing address of each contributor of an amount in excess of two hundred dollars in the aggregate for the reporting period and a listing of all expenditures of an amount in excess of one hundred dollars in the aggregate made for political purposes with the secretary of state. The statement must include the amount of each reportable contribution and the date it was received and the amount of each reportable expenditure and the date it was made. A yearend statement covering the entire calendar year must be filed no later than the thirty-first day of the following year. A preelection statement must be filed no later than the twelfth day before any primary, special, or general election and must be complete from the

beginning of the calendar year through the twentieth day before the election. Political committees that organize and register according to federal law and the laws of this state must only report contributions received and expenditures made by the committee registered in this state as provided by this section.

SECTION 6. AMENDMENT. Section 16.1-08.1-03.6 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-03.6. Contributions from federal campaign committee accounts or from contributions made to other candidates or former candidates limited. A candidate or a political party may not accept a contribution in an amount exceeding two hundred dollars from another candidate's campaign contributions, from contributions made to a person who was a candidate within the previous six years, or from a federal campaign committee account unless:

1. The person who makes a contribution from such funds includes with the contribution a statement that the original contributors gave permission to contribute money to another candidate or a political party; and
2. The receiving candidate or a political party files a disclosure statement with the same office as required under section 16.1-08.1-02 for campaign contribution statements within forty-eight hours after receiving the contribution. The statement must include a copy of the permission statement required of the donating person under subsection 1.

A contribution requiring permission according to this section does not include any money received by a candidate that is immediately transferred or signed over to a district or state committee of a political party within ten days of the candidate receiving the contribution.

SECTION 7. AMENDMENT. Section 16.1-08.1-06 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-06. Contributions statement requirements. A statement required by this chapter to be filed with the secretary of state or county auditor must be:

1. Deemed properly filed when deposited in an established post office within the prescribed time, postage affixed, and directed to the secretary of state ~~or county auditor~~, but if it is not received, a duplicate of the statement must be promptly filed upon notice by the secretary of state ~~or county auditor~~ of its nonreceipt.
2. Preserved by the secretary of state ~~or county auditor~~ for a period of four years from the date of filing. The statement is to be considered a part of the public records of the secretary of state's ~~or county auditor's~~ office and must be open to public inspection.

If the filing date falls on a Saturday or Sunday or a holiday on which the office of the secretary of state ~~or county auditor~~ is closed, the statement must be filed on the next available day on which the office of the secretary of state ~~or county auditor~~ is open. In determining the amount of individual contributions from any contributor, all amounts received from the same contributor during the reporting period must be aggregated to report an overall total contribution for the purposes of the statements required by this chapter. Aggregated contributions must reference the date of the most recent contribution. Contributions made separately from joint accounts must be aggregated and reported as originating from one source."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2321: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2321 was placed on the Sixth order on the calendar.

Page 1, line 12, remove "The statement must disclose the total amount of"

Page 1, remove lines 13 and 14

Page 2, line 2, overstrike "five" and insert immediately thereafter "eight"

Page 3, line 7, remove "In addition, the owner of the vehicle shall provide a damage disclosure"

Page 3, remove lines 8 and 9

Page 3, line 10, remove "39-05-17.2."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2327: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2327 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "a" with "two"

Page 1, line 2, replace "subsection" with "subsections"

Page 1, line 9, replace "not otherwise compensated for services rendered, any" with "the court specifically provides in a case in which a guardian is appointed and if payment of the compensation does not unreasonably jeopardize the ward's well-being, a"

Page 1, line 10, replace "is entitled" with "may"

Page 1, line 11, remove "to" and after "the" insert "ward's"

Page 1, line 20, replace "determine" with "consider"

Page 1, line 21, remove "whether", replace "agent or" with "appointed", after "fact" insert "and agents", and replace "may exercise any" with "when assessing alternative resource plans and the need for a"

Page 1, line 22, remove "authority if a general or limited", remove "is appointed", and replace the underscored period with "; and"

Page 2, line 10, replace "A" with "Two" and replace "subsection" with "subsections"

Page 2, line 11, replace "is" with "are"

Page 2, line 12, replace "Unless a court of competent jurisdiction determines otherwise, a" with "A"

Page 2, line 15, after "30.1-28" insert "unless a court of competent jurisdiction determines, based upon clear and convincing evidence, that the attorney in fact or agent:"

- a. Refuses to observe the laws that govern the exercise of that authority;
or
- b. Takes actions that are contrary to the wishes expressed by the principal when competent"

Page 2, after line 15, insert:

"The authority of a validly appointed attorney in fact or agent may not be disturbed unless the court finds by clear and convincing evidence that the attorney in fact or agent:

- a. Refuses to observe the laws that govern the exercise of that authority;
or
- b. Takes actions that are contrary to the wishes expressed by the principal when competent."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2353: Agriculture Committee (Sen. Wanzek, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS,

0 ABSENT AND NOT VOTING). SB 2353 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "repeal" with "amend and reenact"

Page 1, line 4, replace "**REPEAL**" with "**AMENDMENT**"

Page 1, line 5, replace "repealed." with "amended and reenacted as follows:

19-10-03.1. Retail sale of alcohol-blended gasoline - Notice required. No dealer may sell at retail alcohol-blended gasoline unless the dispensing unit and any price advertising bear the name of the alcohol blended with the gasoline if the alcohol-blended gasoline consists of one percent or more by volume of any alcohol. The disclosure must be in letters at least the same size as those used for the label of the basic grade of gasoline and must be next to the gasoline grade label. A producer of alcohol-blended gasoline may provide a retailer with a label promoting the benefits of alcohol-blended gasoline, if the label at least meets the requirements of this section."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2361: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2361 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2374: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2374 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "a new section to chapter 50-24.1 and"

Page 1, line 2, remove "medical assistance and"

Page 2, after line 12, insert:

"4. This section does not require medical benefits coverage for low protein modified food products or medical food for an individual to the extent those benefits are available to that individual under a department of health program or under a department of human services program."

Page 2, remove lines 13 through 18

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2389: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2389 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 create and enact a new subsection to section 54-35-18.2 and a new section to chapter 54-35 of the North Dakota Century Code, relating to study areas of the electric industry competition committee; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 54-35-18.2 of the 1997 Supplement to the North Dakota Century Code is created and enacted as follows:

Study chapter 49-03 and other relevant statutes relating to the extension of electric lines and facilities and the provision of electric service by public utilities and rural electric cooperatives within and outside the corporate limits of a municipality. The study must specifically address and include the criteria used by the public service commission under chapter 49-03 in determining whether to grant a public utility a certificate of public

convenience and necessity to extend its electric lines and facilities to serve customers outside the corporate limits of a municipality and the circumstances, if any, under chapter 49-03 and other relevant statutes under which a rural electric cooperative may provide electric facilities and service to new customers and existing customers within municipalities being served totally or primarily by a public utility.

SECTION 2. A new section to chapter 54-35 of the North Dakota Century Code is created and enacted as follows:

Electric industry competition committee - Recommendations. Notwithstanding section 54-35-18.2, the electric industry competition committee shall submit proposed legislation, if necessary, as a result of the study conducted pursuant to section 1 of this Act to the fifty-seventh legislative assembly.

SECTION 3. EXPIRATION DATE. This Act is effective through July 31, 2001, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2390: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2390 was placed on the Sixth order on the calendar.

Page 1, line 2, replace the second "section" with "sections"

Page 1, line 3, after the first comma insert "11-10-04,"

Page 6, after line 15, insert:

"SECTION 12. AMENDMENT. Section 11-10-04 of the North Dakota Century Code is amended and reenacted as follows:

11-10-04. Officer must be qualified elector - Exceptions. Except as otherwise specifically provided by the laws of this state, a county officer must be a qualified elector in the county in which the person is ~~chosen~~ or appointed, and a county commissioner must be a qualified elector in the district from which the commissioner is chosen. Upon approval of the board of county commissioners of each affected county, a person may serve as an elected officer of more than one county and must be a qualified elector of one of the counties in which the person is elected. A candidate for election to a county office must be, at the time of election, a qualified elector in the jurisdiction in which the candidate is to serve. Two or more counties may appoint one person to fill the same office in each county and the person filling the office must be a qualified elector of one of the counties."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2407: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2407 was placed on the Sixth order on the calendar.

Page 1, line 10, after "26.1-26-08" insert "or is affiliated with an appropriately licensed North Dakota agent"

Page 1, line 16, after "insurance" insert "that must include uninsured and underinsured motorist coverage, either offered separately or in combination with other liability insurance, and"

Page 1, line 17, replace "vehicles" with "authorized drivers"

Page 2, line 1, replace "policy" with "rental" and remove "of any insurance sold by the counter sales personnel"

Page 2, line 24, replace "providing sales incentives to" with "including the insurance products in an overall employee performance compensation incentive program."

Page 2, remove lines 25 and 26

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2411: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2411 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2414, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2414 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2438: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2438 was placed on the Sixth order on the calendar.

Page 2, line 28, replace "home post office" with "normal work reporting location"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4017: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4017 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. G. Nelson, Freborg introduced:

SCR 4042: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of developing and implementing statewide academic standards for and assessments of elementary and high school students and a system of accountability at the school and school district level.

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

Sens. Watne, St. Aubyn introduced:

SCR 4043: A concurrent resolution directing the Legislative Council to study voter registration. Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. St. Aubyn, W. Stenehjem introduced:

SCR 4044: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of consolidating under the School for the Blind all programs and services provided to children and adults who are blind or visually impaired.

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

Sens. St. Aubyn, Grindberg introduced:

SCR 4045: A concurrent resolution directing the Legislative Council to study alternative systems for the funding of services delivered to children and adults who are developmentally disabled.

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

FIRST READING OF HOUSE BILLS

HB 1005: A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

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

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

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

HB 1008: A BILL for an Act to provide an appropriation for defraying the expenses of the department of banking and financial institutions; and to declare an emergency.

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

HB 1010: A BILL for an Act to provide an appropriation for defraying the expenses of the council on the arts and an appropriation of funds from the cultural endowment fund.

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

HB 1013: A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands.

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 children's services coordinating committee; to provide a statement of legislative intent; and to create and enact a new section to chapter 54-56 of the North Dakota Century Code, relating to the children's services coordinating committee operating fund.

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

HB 1018: A BILL for an Act to provide an appropriation for defraying the expenses of the office of administrative hearings.

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

HB 1040: A BILL for an Act to amend and reenact sections 61-04.1-03, 61-04.1-08, 61-04.1-09, 61-04.1-20, 61-04.1-21, 61-04.1-38, and 61-04.1-39 of the North Dakota Century Code, relating to hail suppression pilot operations by the atmospheric resource board; and to repeal section 61-04.1-03.1 of the North Dakota Century Code, relating to the transition from the weather modification board to the atmospheric resource board.

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

HB 1052: A BILL for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to income limitations to qualify for the homestead credit for persons sixty-five years of age or older with limited income; and to provide an effective date.

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

HB 1128: A BILL for an Act to amend and reenact section 24-02-03.3 of the North Dakota Century Code, relating to the central vehicle management system.

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

HB 1144: A BILL for an Act to create and enact section 10-04-08.4 of the North Dakota Century Code, relating to filing requirements for federal covered securities; and to amend and reenact sections 10-04-02, subsections 4 and 5 of section 10-04-03, sections 10-04-04, 10-04-05, 10-04-06, 10-04-07.1, 10-04-08, 10-04-08.1, 10-04-08.2, 10-04-08.3, 10-04-09, 10-04-10, 10-04-10.1, 10-04-10.2, 10-04-10.3, 10-04-11, 10-04-12, 10-04-14, 10-04-16.1, 10-04-17, and 10-04-18 of the North Dakota Century Code, relating to definitions, administration, and registration of securities under the Securities Act of 1951, advertising of and statements about securities, federal covered securities, suspensions and revocation of securities registrations, registration of dealers, agents, investment advisers, and investment adviser representatives, suspension and revocation of registrations of dealers, agents, investment advisers and investment adviser representatives, hearing provisions, securities investigations, consent to service of process, remedies available to investors, and penalties.

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

HB 1152: A BILL for an Act to create and enact two new sections to chapter 43-32 of the North Dakota Century Code, relating to registration of psychological associates; and to amend and reenact sections 43-32-01, 43-32-08.1, 43-32-08.2, 43-32-09, 43-32-12, 43-32-13, 43-32-14, 43-32-16, 43-32-17, 43-32-21, 43-32-23, 43-32-24, 43-32-26, 43-32-27, 43-32-27.1, 43-32-28.1, 43-32-30, and 43-32-32 of the North Dakota Century Code, relating to registration of psychological associates by the board of psychologist examiners.

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

HB 1156: A BILL for an Act to create and enact three new subsections to section 60-04-03.1 of the North Dakota Century Code, relating to warehousemen; to amend and reenact subsections 3 and 5 of section 60-02-01, subsection 1 of section 60-02-05, sections 60-02-07, 60-02-17, 60-02-27, and 60-02-37 of the North Dakota Century Code, relating to warehouseman disputes, warehouse storage contracts, and hay buyers; and to repeal section 60-02-17.1 of the North Dakota Century Code, relating to warehouse charges for grain owned by the United States.

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

HB 1169: A BILL for an Act to create and enact a new section to chapter 49-21 of the North Dakota Century Code, relating to unauthorized telecommunications service; to amend and reenact section 49-02-01.1 of the North Dakota Century Code, relating to jurisdiction of the public service commission; to provide a penalty; and to declare an emergency.

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

HB 1260: A BILL for an Act to amend and reenact sections 5-04-01, 5-04-02, 5-04-04, subsection 1 of section 5-04-07, sections 5-04-08, and 5-04-13 of the North Dakota Century Code, relating to beer wholesaler and brewer relationships.

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

HB 1296: A BILL for an Act to create and enact a new section to chapter 65-03 and a new section to chapter 65-04 of the North Dakota Century Code, relating to protecting the health of employees through workplace safety programs and to workers' compensation premium calculation programs; to amend and reenact sections 65-02-13.1 and 65-04-17.1 of the North Dakota Century Code, relating to expenditures by the workers compensation bureau for extraterritorial coverage and other states' insurance and to retrospective rating; to provide an appropriation; and to declare an emergency.

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

HB 1300: A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to authorizing governmental employers to allow public employees a leave of absence for service in the legislative assembly.

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

HB 1324: A BILL for an Act to amend and reenact section 39-06.2-17 of the North Dakota Century Code, relating to the hours of service exemption for the transportation of agricultural commodities.

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

HB 1336: A BILL for an Act to amend and reenact section 39-06.1-06 of the North Dakota Century Code, relating to statutory fees for exceeding the speed limit.

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

HB 1337: A BILL for an Act to create and enact a new chapter to title 36 of the North Dakota Century Code, relating to farmed elk; to amend and reenact section 19-02.1-21, subsection 3 of section 36-01-00.1, section 36-04-02, subsection 2 of section 36-05-01, subsection 2 of section 36-05.1-01, subsection 1 of section 38-11.1-03, and subsection 1 of section 38-18-05 of the North Dakota Century Code, relating to the inclusion of farmed elk in other provisions regarding livestock; and to provide a penalty.

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

HB 1347: A BILL for an Act to create and enact four new sections to chapter 10-33 of the North Dakota Century Code, relating to proposed agreements and transactions by nonprofit hospitals; and to amend and reenact subsection 3 of section 10-33-85, subsection 1 of section 10-33-88, and subsection 3 of section 10-33-94 of the North Dakota Century Code, relating to proposed agreements and transactions by nonprofit hospitals.

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

HB 1364: A BILL for an Act to amend and reenact subsection 11 of section 10-15-05 of the North Dakota Century Code, relating to information required in articles of association of a cooperative association filed with the secretary of state.

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

HB 1396: A BILL for an Act to amend and reenact section 26.1-36-09 of the North Dakota Century Code, relating to insurance coverage for treatment of mental disorders.

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

HB 1398: A BILL for an Act relating to the authority of a state agency or institution to expand a building project; and to amend and reenact sections 15-10-12.1 and 15-55-10 of the North Dakota Century Code, relating to limitations on buildings and other campus improvements.

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

HB 1410: A BILL for an Act to amend and reenact subsection 1 of section 20.1-03-07, section 20.1-03-07.1, and subsections 2, 7, 8, 37, 38, and 39 of section 20.1-03-12, relating to nonresident hunting and fishing licenses and fees; and to provide an effective date.

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

HB 1411: A BILL for an Act to amend and reenact subdivision d of subsection 19 of section 20.1-02-05 of the North Dakota Century Code, relating to publication of public access booklets under the private land habitat and access improvement program.

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

HB 1412: A BILL for an Act to amend and reenact section 39-21-39 of the North Dakota Century Code, relating to tinted windows of motor vehicles.

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

HB 1418: A BILL for an Act to amend and reenact section 48-01.1-06 of the North Dakota Century Code, relating to public improvement contract bids.

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

HB 1428: A BILL for an Act to authorize the production of industrial hemp; and to amend and reenact subsection 13 of section 4-09-01 of the North Dakota Century Code, relating to the definition of noxious weed seeds.

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

HB 1429: A BILL for an Act to amend and reenact section 53-06.1-07.3 of the North Dakota Century Code, relating to calcutta participants.

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

HB 1431: A BILL for an Act to amend and reenact subsection 2 of section 53-06.1-03 of the North Dakota Century Code, relating to calcuttas.

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

HB 1433: A BILL for an Act to create and enact a new section to chapter 39-06.2 of the North Dakota Century Code, relating to commercial drivers' licenses.

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

HB 1487: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a tax exemption for farm machinery parts; to amend and reenact subsection 2 of section 57-39.2-02.1 and subsection 2 of section 57-40.2-02.1 of the North Dakota Century Code, relating to a tax exemption for farm machinery parts; and to provide an expiration date.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3011: 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.

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

HCR 3013: A concurrent resolution directing the Legislative Council to study basinwide water management in the Red River Valley.

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

HCR 3015: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing house subdistricts within senatorial districts when the legislative assembly redistricts after the 2000 census.

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

HCR 3018: A concurrent resolution to create and enact a new section to article I of the Constitution of North Dakota, relating to the right to hunt, trap, and fish.

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

HCR 3021: A concurrent resolution urging the United States Fish and Wildlife Service not to list the blacktailed prairie dog, *Cynomys ludovicianus*, as a threatened or endangered species under the Endangered Species Act.

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

HCR 3022: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing house subdistricts within senatorial districts when the Legislative Assembly redistricts after the 2000 census.

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

HCR 3023: A concurrent resolution requesting that the Congress of the United States propose for ratification by the states an amendment to the Constitution of the United States to provide for abolition of the electoral college system and adoption of direct popular vote for election of the President and Vice President.

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

HCR 3027: A concurrent resolution directing the Legislative Council to study heritage tourism and the relationships among the State Historical Society, Parks and Recreation

Department, Tourism Department, Department of Economic Development and Finance, and private sector promoters and developers of heritage tourism in the state.

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

HCR 3039: A concurrent resolution urging Congress to enact legislation to return adequate funds to states to fund the employment security system and give a fair return to employers for the taxes employers pay under the Federal Unemployment Tax Act.

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

HCR 3041: A concurrent resolution urging the Environmental Protection Agency to reduce gasoline sulfur levels to provide the flexibility of a regional approach that will maximize air quality benefits and to propose regulations reducing vehicle admissions in recognition that fuels and vehicles work in tandem and neither fuels nor vehicles can be addressed in isolation.

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

HCR 3044: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of supporting development of the state's wind energy resources.

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

HCR 3046: A concurrent resolution directing the Legislative Council study the financial challenges facing rural hospitals in this state, including the concerns relating to reimbursement of hospitals for medical services.

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

HCR 3047: A concurrent resolution expressing the support for the privately funded construction and operation of the North American wildlife enforcement memorial museum and educational center at the International Peace Garden.

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

HCR 3050: A concurrent resolution directing the Legislative Council to study methods of identifying and providing appropriate services to gifted students.

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

HCR 3056: A concurrent resolution congratulating Ms. Kimberly Pettersen on being named the state's top high school student volunteer in The Prudential Spirit of Community Awards.

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

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

WILLIAM C. PARKER, Secretary