

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

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Bismarck, January 30, 1997

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

The prayer was offered by Dr. John Thielenhaus, Bismarck Baptist, Bismarck.

The roll was called and all members were present except Senator Naaden.

A quorum was declared by the President.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1007, HB 1018, HB 1095, HB 1143, HB 1175, HB 1177, HB 1211, HCR 3002, HCR 3014.

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 2049, SB 2055, SB 2057, SB 2082, SB 2090, SB 2138, SB 2150, SB 2290, SB 2307, SCR 4008.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1060, HB 1091, HB 1130.

CONSIDERATION OF AMENDMENTS

SB 2068: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ page 183 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2102, as engrossed: SEN. DEMERS (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 184 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2151: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ page 184 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2175: SEN. C. NELSON (Judiciary Committee) MOVED that the amendments on SJ page 184 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2183: SEN. KRINGSTAD (Finance and Taxation Committee) MOVED that the amendments on SJ pages 184-185 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2237: SEN. BERG (Judiciary Committee) MOVED that the amendments on SJ page 185 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2303: SEN. CHRISTMANN (Finance and Taxation Committee) MOVED that the amendments on SJ page 185 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2032: A BILL for an Act to create and enact a new section to chapter 15-35 of the North Dakota Century Code, relating to the inspection of schools by the state fire marshal or the state fire marshal's designee; and to amend and reenact section 18-01-02 of the North Dakota Century Code, relating to the duties of the state fire marshal.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Sand

ABSENT AND NOT VOTING: Naaden

Engrossed SB 2032 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4010: A concurrent resolution for the amendment of subsection 1 of section 6 of article VIII and sections 12 and 13 of article IX of the Constitution of North Dakota, relating to the names, locations, and missions of the institutions of higher education.

MOTION

SEN. LINDAAS MOVED that Engrossed SCR 4010 be amended as follows:

Page 1, line 5, after "amendment" insert "updates the names of and", remove "names,", and remove the second comma

Page 1, line 15, after "1." insert "a."

Page 1, line 17, overstrike "the" and remove the overstrike over the colon

Page 1, after line 25, insert:

- "(1) The university of North Dakota;
- (2) North Dakota state university;
- (3) Dickinson state university;
- (4) Mayville state university;
- (5) Minot state university;
- (6) Valley City state university;
- (7) Minot state university - Bottineau;
- (8) The university of North Dakota - Williston;
- (9) Bismarck state college;
- (10) North Dakota state college of science;
- (11) The university of North Dakota - Lake Region;"

Page 2, line 1, after "f.", insert "(12)", remove the overstrike over "~~And~~", after "~~such~~" insert "any", remove the overstrike over "~~other~~", remove the overstrike over "~~as may~~", and remove the overstrike over "~~be~~"

Page 2, line 2, remove the overstrike over "~~established~~"

Page 2, after line 2, insert:

- "b. Each institution provided for in subsection 1 shall define its role and mission, subject to approval by the state board of higher education."

Renumber accordingly

REQUEST

SEN. HEITKAMP REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SCR 4010, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SCR 4010, the roll was called and there were 20 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Naaden

The proposed amendments to Engrossed SCR 4010 failed.

MOTION

SEN. LINDAAS MOVED that Engrossed SCR 4010 be amended as follows:

Page 1, line 5, remove ", locations,"

Page 2, line 2, after "~~established~~" insert "at the following sites: Bismarck, Bottineau, Devils Lake, Dickinson, Fargo, Grand Forks, Mayville, Minot, Valley City, Wahpeton, and Williston"

Renumber accordingly

REQUEST

SEN. LINDAAS REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SCR 4010, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SCR 4010, the roll was called and there were 22 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Naaden

The proposed amendments to Engrossed SCR 4010 failed.

MOTION

SEN. O'CONNELL MOVED that Engrossed SCR 4010 be amended as follows:

Page 1, line 11, replace "primary" with "general"

Renumber accordingly

REQUEST

SEN. HEITKAMP REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SCR 4010, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SCR 4010, the roll was called and there were 27 YEAS, 21 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Bowman; Christmann; Fischer; Freborg; Grindberg; Klein; Krebsbach; Lee; Mutch; Nalewaja; Nelson, G.; Nothing; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Traynor; Wanzek; Watne

ABSENT AND NOT VOTING: Naaden

The proposed amendments to Engrossed SCR 4010 were adopted.

REQUEST

SEN. LINDAAS REQUESTED a recorded roll call vote on the final adoption of Engrossed SCR 4010, as amended, which request was granted.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, the roll was called and there were 26 YEAS, 22 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krebsbach; Kringstad; Lee; Lips; Mutch; Nalewaja; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tomac; Traynor; Urlacher; Wanzek; Watne

NAYS: Andrist; Berg; DeMers; Heitkamp; Kelsh; Klein; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; Nelson, G.; Nothing; O'Connell; Redlin; Robinson; Tallackson; Thane; Thompson; Wogsland; Yockim

ABSENT AND NOT VOTING: Naaden

Reengrossed SCR 4010 was declared adopted and the title was agreed to.

REQUEST

SEN. G. NELSON REQUESTED that the record show that he had intended to vote YEA on Reengrossed SCR 4010, and inadvertently pushed the wrong button, which request was granted.

REQUEST

SEN. NOTHING REQUESTED that the record show that he also pressed the wrong button and wished the record to reflect a YEA vote, which request was granted.

Therefore, the final vote on Reengrossed SCR 4010 was 28 YEAS, 20 NAYS, 0 EXCUSED, and 1 ABSENT AND NOT VOTING.

SECOND READING OF SENATE BILL

SB 2018: A BILL for an Act to provide an appropriation for defraying the expenses of the office of administrative hearings.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Naaden

SB 2018 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2084: A BILL for an Act to amend and reenact subsection 3 of section 54-57-07 of the North Dakota Century Code, relating to the administrative hearings fund of the office of administrative hearings.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Naaden

SB 2084 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2140: A BILL for an Act to amend and reenact subsection 1 of section 57-02-01 of the North Dakota Century Code, relating to the definition of agricultural property for property assessment purposes; 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 0 YEAS, 48 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Naaden

SB 2140 lost.

SECOND READING OF SENATE BILL

SB 2186: A BILL for an Act to amend and reenact section 15-40.2-03 of the North Dakota Century Code, relating to tuition payments for noneducational placements.

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 5 YEAS, 43 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Mathern; Nelson, C.; O'Connell; Redlin; Tallackson

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

ABSENT AND NOT VOTING: Naaden

SB 2186 lost.

SECOND READING OF SENATE BILL

SB 2194: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to health insurance coverage for inherited metabolic disease.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Naaden

SB 2194 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2222: A BILL for an Act to create and enact a new section to chapter 57-15 of the North Dakota Century Code, relating to tax levies for the publication of city government proceedings.

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

YEAS: Berg; DeMers; Freborg; Nelson, C.; Thane; Thompson; Traynor; Wogsland; Yockim

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

ABSENT AND NOT VOTING: Naaden

SB 2222 lost.

SECOND READING OF SENATE BILL

SB 2247: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to the transfer of credits among institutions of higher education.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 37 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Kelsh; Kinnoin; Krauter; O'Connell; Stenehjem, B.; Thane; Thompson; Tomac; Wogsland; Yockim

NAYS: Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Klein; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Traynor; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: Naaden

SB 2247 lost.

SECOND READING OF SENATE BILL

SB 2250: A BILL for an Act to amend and reenact section 16.1-16-01 of the North Dakota Century Code, relating to election recounts for political subdivision elections.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Naaden

SB 2250 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2280: A BILL for an Act to amend and reenact section 14-09-09.18 of the North Dakota Century Code, relating to child support income withholding orders.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Naaden

SB 2280 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2281: A BILL for an Act to amend and reenact subsection 1 of section 14-17-18 of the North Dakota Century Code, relating to appointment of counsel in paternity proceedings.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Naaden

SB 2281 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that the absent member be excused, which motion prevailed.

MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, January 31, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2042: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2042 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "an essential and appropriate" with "a"

Page 2, line 2, after the first comma insert "child."

Page 2, line 19, replace "January 1" with "December 31"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2091: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2091 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 44-04-18.5 of the North Dakota Century Code, relating to open records exemptions for computer software programs developed by a state agency and authorizing agreements for licensing of computer software programs; and to declare an emergency."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 44-04-18.5 of the North Dakota Century Code is amended and reenacted as follows:

44-04-18.5. Confidentiality of computer **Computer software programs exempt.** Any computer software program or component of a computer software program developed or acquired by a state agency, institution, department, or board and for which ~~any~~ the state agency, institution, department, or board acquires a license, copyright, or a patent is ~~confidential~~ exempt from section 44-04-18 and section 6 of article VI of the Constitution of North Dakota. After receiving written approval from the governor, a state agency, institution, department, or board may enter into agreements for the sale, licensing, and distribution of its contracted, licensed, patented, or copyrighted computer software programs; take any needed action, including legal action, to protect the state's interest in the computer software against improper or unlawful use or infringement; and collect and enforce the collection of any sums due for the licensing or sale of the computer software.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2118: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2118 was placed on the Sixth order on the calendar.

Page 1, line 13, remove the overstrike over "~~involving~~", after "~~institution~~" insert "dishonesty or breach of trust", and remove the overstrike over the comma

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2135: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2135 was placed on the Sixth order on the calendar.

Page 1, line 11, after "is" insert "willfully" and after "has" insert "willfully"

Page 2, line 8, after "court" insert "which involves dishonesty or breach of trust"

Page 2, after line 17, insert:

- "6. Under this section, a person engages in conduct "willfully" if the person acted intentionally in the sense that the person was aware of what the person was doing."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2115: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2115 was placed on the Sixth order on the calendar.

Page 1, line 10, replace the second "the" with "an"

Page 1, remove lines 11 through 15

Page 1, line 16, remove "2. An"

Page 1, line 17, remove ", transrectal ultrasonography,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2149: 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 2149 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "a medical director" with "an administrator"

Page 1, line 7, after "**institutions**" insert "**and administrator of state hospital**"

Page 1, line 9, overstrike "a"

Page 1, line 10, overstrike "superintendent" and after "~~director~~" insert "an administrator"

Page 1, line 11, after "superintendent" insert "and administrator" and overstrike "superintendent's"

Page 1, line 12, overstrike "superintendent" and insert immediately thereafter "appointee" and overstrike "Any"

Page 1, line 13, overstrike "superintendent" and insert immediately thereafter "An appointee"

Page 1, line 14, overstrike "superintendent's" and insert immediately thereafter "appointee's"

Page 1, line 15, overstrike ", but a" and insert immediately thereafter ". A"

Page 1, line 16, overstrike "superintendent's" and insert immediately thereafter "appointee's"

Page 1, line 19, overstrike "superintendent" and insert immediately thereafter "appointee"

Page 1, line 23, overstrike "**Superintendent**" and insert immediately thereafter "**Administrator**"

Page 1, line 24, overstrike "superintendent" and insert immediately thereafter "administrator"

Page 2, line 8, replace "superintendent" with "administrator"

Page 2, line 9, overstrike "superintendent" and insert immediately thereafter "administrator"

Page 2, line 11, overstrike "superintendent's" and insert immediately thereafter "administrator's"

Page 2, line 12, overstrike "superintendent's" and insert immediately thereafter "administrator's"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2208: 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 2208 was placed on the Sixth order on the calendar.

Page 3, line 18, overstrike ", under the guidelines of the state health"

Page 3, line 19, overstrike "council,"

Page 7, line 6, overstrike the comma and remove "and undertakes a medically"

Page 7, line 7, remove "approved course of treatment for tuberculosis," and overstrike "under the guidelines of the state health council," and insert immediately thereafter "and undertakes a medically approved course of treatment for tuberculosis"

Page 8, line 3, replace "It is a class A misdemeanor for a person reasonably suspected of having, or" with:

"1. A person is guilty of a class A misdemeanor if:

- a. That person fails to undertake diagnostic examination for tuberculosis upon the request of the state health officer which is based upon the reasonable suspicion that that person has or has been exposed to tuberculosis;
- b. That person has been diagnosed with tuberculosis and fails to undertake a medically approved course of treatment for tuberculosis;
or
- c. That person is the parent of a minor or guardian of a person who violates subdivision a or b.

2."

Page 8, remove lines 4 through 6

Page 8, line 7, remove "treatment for tuberculosis."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2235: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2235 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1113, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1113 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1148: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1148 was placed on the Fourteenth order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Nalewaja, Cook, C. Nelson, Robinson, W. Stenehjem and Rep. Kliniske introduced:

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

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

Sens. St. Aubyn, Robinson, Thane and Reps. Delmore, Kliniske, Poolman introduced:

SCR 4037: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of licensing high pressure boiler operators.

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

Sens. St. Aubyn, Solberg, Robinson and Reps. Delmore, Monson, Skarphol introduced:

SCR 4038: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of merging advocacy programs administered by the Department of Human Services, including the vulnerable adult protective services program, into the protection and advocacy program.

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

Sens. St. Aubyn, Freborg, Holmberg, Nalewaja and Reps. Jensen, Nottestad introduced:

SCR 4039: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing voter registration.

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

FIRST READING OF HOUSE BILLS

HB 1007: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the labor commissioner; and to amend and reenact section 34-05-01.2 of the North Dakota Century Code, relating to the salary of the labor commissioner.

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

HB 1018: A BILL for an Act to provide an appropriation to the tax commissioner for payment of state reimbursement under the homestead tax.

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

HB 1095: A BILL for an Act to amend and reenact subsections 1 and 4 of section 39-10-46 and sections 39-21-18 and 39-21-27 of the North Dakota Century Code, relating to schoolbus strobe lights.

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

HB 1143: A BILL for an Act to create and enact two new sections to chapter 15-39.1 of the North Dakota Century Code, relating to correction of errors in teachers' fund for retirement benefit calculations; to amend and reenact subsections 10 and 11 of section 15-39.1-04, sections 15-39.1-08, 15-39.1-14, 15-39.1-15, 15-39.1-19.1, 15-39.1-20, 15-39.1-23, and 15-39.1-24 of the North Dakota Century Code, relating to definitions, compensation of board members, mandatory retirement, return to teaching, withdrawal, failure to make required reports and payments, military service credit, and acceptance of rollovers from other qualified plans under the teachers' fund for retirement; and to provide a penalty.

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

HB 1175: A BILL for an Act to amend and reenact section 34-07-12 of the North Dakota Century Code, relating to the contents of employment certificates.

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

HB 1177: A BILL for an Act to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to no-mow agreements by the department of transportation.

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

HB 1211: A BILL for an Act to amend and reenact subsection 1 of section 32-03-45 and subdivision a of subsection 1 of section 32-03-46 of the North Dakota Century Code, relating to civil immunity for certain volunteers.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3002: A concurrent resolution directing the Legislative Council to study the state's investment process as it relates to the state bonding fund and the fire and tornado fund and monitor the performance of all investments of the State Investment Board and the Board of University and School Lands.

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

HCR 3014: A concurrent resolution urging Congress to enact legislation to allow an exception to the requirement that parents relinquish custody in order to receive out-of-home treatment services for children with serious emotional disorders.

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

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

William C. Parker, Secretary