

## JOURNAL OF THE SENATE

## Fifty-sixth Legislative Assembly

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Bismarck, February 9, 1999

The Senate convened at 1:14 p.m., with President Myrdal presiding.

The prayer was offered by Pastor Larry L. Hickle, First Presbyterian, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

**MADAM PRESIDENT:** Your **Committee on Correction and Revision of the Journal (Sen. Sand, Chairman)** has carefully examined the Journal of the Twenty-fourth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 268, replace lines 4 through 60 with:

"Page 1, line 1, after "Act" insert "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;" and remove "subdivision a of"

Page 1, line 2, replace "and" with ", 15-40.1-07.3," and after "15-40.1-08" insert ", subsection 1 of section 57-15-14.2, and section 57-15-17.1"

Page 1, line 3, after "factors" insert "; and to declare an emergency"

Page 1, line 5, replace "Subdivision a of subsection" with "Subsection"

Page 1, line 9, replace "twenty-nine" with "thirty-nine"

Page 1, line 11, replace "twenty-one" with "ten"

Page 1, after line 13, insert:

- "b. The superintendent of public instruction shall monitor student enrollments. If the superintendent determines that the student enrollment figures warrant an adjustment in the amount of educational support per student set forth in subdivision a, the superintendent shall make an adjustment and reflect the adjustment in the March foundation aid payment, the April foundation aid payment, and in the final remaining foundation aid payment distributed before June thirtieth of each year, as provided for in section 15-40.1-05.
- c. School districts operating high schools not meeting the minimum curriculum as provided in section 15-41-24 or the teacher qualifications in section 15-41-25 must be supported in the amount of two hundred twenty dollars, which is the basis for calculating grants-in-aid on a per student basis as provided in section 15-40.1-07.
- e- d. School districts operating high schools that are not accredited pursuant to the accreditation standards adopted by the superintendent of public instruction on July 1, 1991, or that become unaccredited in any succeeding school year must be supported for the ~~1991-92 school year or for the~~ first year that they become unaccredited in the amount of the educational support per student established in subdivision a, which is the basis for calculating grants-in-aid on a per student basis as provided in section 15-40.1-07, but those school districts are not entitled to the amounts resulting from applying the factors in that section. The amount of aid a school district is entitled to under this subsection for each high school that is not accredited must be

reduced by two hundred dollars times the number of students in the school for the second school year that the high school is unaccredited, and an additional two hundred dollars per student in the unaccredited school for each additional year the school remains unaccredited. Any high school that becomes accredited is entitled to the per student payments provided for in section 15-40.1-07 for the entire school year in which the school becomes accredited.

- d. ~~e.~~ School districts operating elementary schools that are not accredited pursuant to the accreditation standards adopted by the superintendent of public instruction on July 1, 1992, or that become unaccredited in any succeeding school year must be supported for the ~~1992-93 school year or for the first year~~ that they become unaccredited in the amount of the educational support per student established in subdivision a, which is the basis for calculating grants-in-aid on a per student basis as provided in section 15-40.1-08, except that the amount of aid that a school district is entitled to under this subsection for each elementary school that is unaccredited must be reduced by two hundred dollars times the number of students in the school each year that the elementary school is unaccredited. Any elementary school that becomes accredited is entitled to the per student payments provided for in section 15-40.1-08 for the entire school year in which the school becomes accredited."

Page 1, line 22, replace "eighty-five" with "seventy-five"

Page 2, line 3, overstrike "Beginning July 1,", remove "2000", and overstrike ", the factor is"

Page 2, line 5, remove "that which represents" and overstrike "the five-year average cost of education"

Page 2, overstrike lines 6 and 7

Page 2, line 11, replace "eighty-five" with "seventy-five"

Page 2, line 16, overstrike "Beginning July 1,", remove "2000", and overstrike ", the factor is"

Page 2, line 17, remove "that which represents"

Page 2, overstrike lines 18 and 19

Page 2, line 23, replace "eighty-five" with "seventy-five"

Page 2, line 28, overstrike "Beginning July 1,", remove "2000", and overstrike ", the factor is"

Page 2, line 29, remove "that which represents" and overstrike "the"

Page 2, overstrike lines 30 and 31

Page 3, line 4, replace "eighty-five" with "seventy-five"

Page 3, line 9, overstrike "Beginning July 1,", remove "2000", and overstrike ", the factor is"

Page 3, line 10, remove "that which represents" and overstrike "the"

Page 3, overstrike lines 11 and 12

Page 4, line 14, overstrike "School districts offering high school summer school programs are"

Page 4, overstrike lines 15 through 22

Page 4, after line 22, insert:

**"SECTION 3. AMENDMENT.** Section 15-40.1-07.3 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15-40.1-07.3. Per student payments - Reorganization of school districts.**

1. If any school district receiving per student payments calculated under section 15-40.1-07 reorganizes with another school district under chapter 15-27.3 or 15-27.6 before August 1, 1997, the school district resulting from the reorganization is entitled to receive the same per student payments for each high school student as each separate school district received for each high school student prior to the reorganization, for a period of four years.
2. If any school district receiving per student payments calculated under this chapter reorganizes with another school district under chapter 15-27.3 or 15-27.6 after July 31, 1997, the school district resulting from the reorganization is entitled to receive the same per student payments for each high school and elementary student as each separate school district received for each high school and elementary student prior to the reorganization, for a period of four years.
3. The weighting factor for each district will be adjusted proportionately over a period of two years, following the period of time provided in subsection 1 or 2, until the adjusted weighting factor equals the weighting factor for the combined enrollment resulting from the reorganization.
4. Notwithstanding the provisions of any other law, no school district may receive less in per student payments for the first year of its reorganization than the total amount that the districts participating in the reorganization received in per student payments for the school year immediately preceding the reorganization. If less than a whole school district participated in a reorganization, the superintendent of public instruction shall prorate the payments to which the newly reorganized district is entitled under this subsection.

Page 4, line 31, replace "eighty-five" with "seventy-five"

Page 5, line 15, overstrike "Beginning"

Page 5, line 16, overstrike "July 1,", remove "2000", and overstrike ", the factor is"

Page 5, line 17, remove "that which represents" and overstrike "the five-year average cost of"

Page 5, overstrike lines 18 and 19

Page 5, line 22, replace "eighty-five" with "seventy-five"

Page 5, line 29, overstrike "Beginning"

Page 5, line 30, overstrike "July 1,", remove "2000", and overstrike ", the factor is"

Page 5, line 31, remove "that which represents" and overstrike "the five-year average cost of"

Page 6, overstrike lines 1 and 2

Page 6, line 7, replace "eighty-five" with "seventy-five"

Page 6, line 14, overstrike "Beginning July 1,", remove "2000", and overstrike the second comma

Page 6, line 15, overstrike "the factor is"

Page 6, line 16, remove "that which represents" and overstrike "the five-year average cost of education per student for"

Page 6, overstrike line 17

Page 6, line 21, replace "eighty-five" with "seventy-five"

Page 6, line 28, overstrike "Beginning July 1,", remove "2000", and overstrike ", the factor is"

Page 6, line 29, remove "that which represents" and overstrike "the five-year"

Page 6, overstrike lines 30 and 31

Page 7, line 4, replace "eighty-five" with "seventy-five"

Page 7, line 11, overstrike "Beginning"

Page 7, line 12, overstrike "July 1,", remove "2000", and overstrike ", the factor is"

Page 7, line 13, remove "that which represents" and overstrike "the five-year average cost of"

Page 7, overstrike lines 14 and 15

Page 7, line 19, replace "eighty-five" with "seventy-five"

Page 7, line 25, overstrike "Beginning July 1,", remove "2000", and overstrike ", the factor is"

Page 7, line 26, remove "that which"

Page 7, line 27, remove "represents" and overstrike "the five-year average cost of education per student for this category, as"

Page 7, overstrike line 28

Page 7, line 31, replace "eighty-five" with "seventy-five"

Page 8, line 11, overstrike "Beginning July 1,", remove "2000", and overstrike ", the factor is"

Page 8, line 12, remove "that which represents" and overstrike "the"

Page 8, overstrike lines 13 and 14

Page 8, after line 19, insert:

**"SECTION 5.** A new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

**Contingent per student payments.** If any funds appropriated by the legislative assembly to the grants-foundation aid and transportation line item remain after completion of the April first distribution in each odd-numbered year as provided for by section 15-40.1-05, the superintendent of public instruction shall distribute the funds as a separate and additional per student payment on a weighted basis as determined under chapter 15-40.1.

**SECTION 6.** A new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

**Summer school programs - Proportionate payments.**

1. A school district that offers high school summer school programs is entitled to receive proportionate payments provided each course offered satisfies requirements for graduation, comprises at least as many clock hours as courses offered during the regular school term, and complies with rules adopted by the superintendent of public instruction.
2. A school district that offers remedial elementary summer school programs is entitled to receive proportionate payments provided the programs comply with rules adopted by the superintendent of public instruction.
3. The superintendent of public instruction may adopt rules regarding proportionate payments for remedial elementary summer school programs and high school summer school programs.
4. Proportionate payments made under this section during a biennium for summer school programs may not exceed one and one-half percent of the

total amount appropriated by the legislative assembly for foundation aid and transportation aid during the biennium, or eight million dollars, whichever is less. No more than seventy-five percent of the amount made available under this subsection may be used to support high school summer school programs and no more than twenty-five percent of the amount made available under this subsection may be used to support remedial elementary summer school programs.

**SECTION 7. AMENDMENT.** Subsection 1 of section 57-15-14.2 of the North Dakota Century Code is amended and reenacted as follows:

1. A school board of any school district may levy an amount sufficient to cover general expenses including the costs of the following:
  - a. Board and lodging for high school students as provided in section 15-34.2-06.
  - b. The teachers' retirement fund as provided in section 15-39.1-28.
  - c. Tuition for students in grades seven through twelve as provided in section 15-40.2-12.
  - d. Special education program as provided in section 15-59-08.
  - e. The establishment and maintenance of an insurance reserve fund for insurance purposes as provided in section 32-12.1-08.
  - f. A final judgment obtained against a school district.
  - g. The district's share of contribution to the old-age survivors' fund and matching contribution for the social security fund as provided by chapter 52-09 and to provide the district's share of contribution to the old-age survivors' fund and matching contribution for the social security fund for contracted employees of a multidistrict special education board.
  - h. The rental or leasing of buildings, property, or classroom space. Minimum state standards for health and safety applicable to school building construction shall apply to any rented or leased buildings, property, or classroom space.
  - i. Unemployment compensation benefits.
  - j. The removal of asbestos substances from school buildings or the abatement of asbestos substances in school buildings under any method approved by the United States environmental protection agency and any repair, replacement, or remodeling that results from such removal or abatement, any remodeling required to meet specifications set by the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities as contained in the appendix to title 28, Code of Federal Regulations, part 36 [28 CFR 36], and any remodeling required to meet requirements set by the state fire marshal during the inspection of a public school.
  - k. Participating in cooperative vocational education programs approved by the state board.
  - l. Maintaining a vocational education program approved by the state board and established only for that school district.
  - m. Paying the cost of purchasing, contracting, operating, and maintaining schoolbuses.
  - n. Establishing and maintaining school library services.
  - o. Equipping schoolbuses with two-way communications and central station equipment and providing for the installation and maintenance of such equipment.

- p. Establishing free public kindergartens in connection with the public schools of the district for the instruction of resident children below school age during the regular school term.
- q. Establishing, maintaining, and conducting a public recreation system.
- r. The district's share of contribution to finance an interdistrict cooperative agreement authorized by section 15-47-40.1.

**SECTION 8. AMENDMENT.** Section 57-15-17.1 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-17.1. Multiyear asbestos abatement and required remodeling levy by school district.**

1. The governing body of any public school district may by resolution adopted by a two-thirds vote of the school board dedicate a tax levy for purposes of this section of not exceeding fifteen mills on the dollar of taxable valuation of property within the district for a period not longer than fifteen years. The school board may authorize and issue general obligation bonds to be paid from the proceeds of this dedicated levy for the purpose of ~~providing~~:
  - a. Providing funds for the removal of asbestos substances from school buildings or the abatement of asbestos substances in school buildings under any other method approved by the United States environmental protection agency and for any repair, replacement, or remodeling that results from removal or abatement of asbestos substances;
  - b. Any remodeling required to meet specifications set by the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities as contained in the appendix to title 28, Code of Federal Regulations, part 36 [28 CFR 36]; and
  - c. Any remodeling required to meet requirements set by the state fire marshal during the inspection of a public school.
2. All revenue accruing from the levy under this section, except revenue deposited as allowed by subsection 3, must be placed in a separate fund known as the asbestos abatement fund and must be accounted for within the capital projects fund group and disbursements must be made from such funds within this fund group for the purpose of asbestos abatement.
3. All revenue accruing from up to five mills of the fifteen mill levy under this section must be placed in a separate fund known as the required remodeling fund and must be accounted for within the capital projects fund group and disbursements must be made from such funds within this fund group for the purpose of required remodeling, as set forth in subsection 1.
4. Any moneys remaining in the asbestos abatement fund after completion of the principal and interest payments for any bonds issued for any school asbestos abatement project and any funds remaining in the required remodeling fund after completion of the remodeling projects must be transferred to the general fund of the school district upon the order of the school board.

**SECTION 9. REIMBURSEMENT - REORGANIZED DISTRICTS.** In distributing per student payments for the 1997-99 biennium, the superintendent of public instruction shall ensure that no school district reorganized after June 30, 1997, and before the effective date of sections 1 through 8 of this Act receives less in per student payments for the first year of its reorganization than the districts participating in the reorganization received in per student payments for the school year immediately preceding the reorganization.

**SECTION 10. EMERGENCY.** Section 9 of this Act is declared to be an emergency measure."

Renumber accordingly"

Page 270, remove lines 2 through 54

Page 271, remove lines 2 through 56

Page 272, remove line 2

**SEN. SAND MOVED** that the report be adopted, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**SB 2284: SEN. CHRISTMANN (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 303-305 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2284:** A BILL for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.2 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to reduction of the income tax marriage penalty; to provide an effective date; and to provide an expiration date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 31 YEAS, 18 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Christmann; Cook; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kringstad; Kroeplin; Lindaas; Lyson; Mutch; Mutzenberger; Naaden; O'Connell; Redlin; Sand; Schobinger; Solberg; Stenehjem, B.; Stenehjem, W.; Tallackson; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Andrist; Bercier; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Krebsbach; Lee; Mathern, D.; Mathern, T.; Nelson, C.; Nelson, G.; Nething; Robinson; St. Aubyn; Thane

Engrossed SB 2284 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2329: SEN. MUTCH (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 277-290 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2329:** A BILL for an Act to amend and reenact sections 4-14.1-03, 4-14.1-04, subsection 6 of section 10-30-04, subsection 4 of section 10-30.5-02, sections 10-30.5-03, 10-30.5-05, subsection 6 of section 10-30.6-04, sections 21-11-02, 21-11-03, 21-11-04, 21-11-05, 21-11-06, 25-04-20, subsection 4 of section 26.1-50-01, section 26.1-50-02, subsection 2 of section 28-32-01, sections 40-57.1-04, 49-10.1-17, subsection 4 of section 50-06-01.8, section 52-01-03, subsection 5 of section 52-02.1-01, section 52-02.1-02, subsection 2 of section 52-02.1-03, section 52-02.1-04, subdivision r of subsection 1 of section 54-06-04, sections 54-34-06.1, 54-34-12, 54-34-15, 54-34.3-01, 54-34.3-02, 54-34.3-04, 54-34.3-06, 54-34.3-08, 54-34.3-09, 54-34.3-10, 54-53-02, 55-06-01, and subsection 1 of section 57-38.5-01 of the North Dakota Century Code, relating to the transfer of functions of the department of economic development and finance to the Bank of North Dakota; to repeal sections 54-34.3-03 and 54-34.3-05 of the North Dakota Century Code, relating to the department of economic development and finance; and to provide an appropriation.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 18 YEAS, 31 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bercier; DeMers; Heitkamp; Kelsh; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thane; Thompson; Tomac

**NAYS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Traynor; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2329 lost.

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#### CONSIDERATION OF AMENDMENTS

**SB 2347, as engrossed: SEN. WARDNER (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 305 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### MOTION

**SEN. ST. AUBYN MOVED** that Engrossed SB 2347, as amended, be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2347:** A BILL for an Act to create and enact two new sections to chapter 18-11 of the North Dakota Century Code, relating to alternate firefighters relief association plan benefits; to provide for retroactive application; to provide an expiration date; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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

Reengrossed SB 2347 passed, the title was agreed to, and the emergency clause was declared carried.

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#### MOTION

**SEN. ST. AUBYN MOVED** that SB 2162, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**SB 2055: SEN. W. STENEHJEM (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 301 be adopted with **DO PASS**, which motion prevailed.

#### MOTION

**SEN. ST. AUBYN MOVED** that the rules be suspended and SB 2055, as amended, not be rereferred to the **Appropriations Committee**, but be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2055:** A BILL for an Act to amend and reenact subsection 1 of section 54-35-10 of the North Dakota Century Code, relating to compensation paid to members of the legislative assembly for attending sessions of the legislative council and its committees.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Mathern, D.; Mathern, T.; 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:** Kinnoin; Klein; Lyson; Mutch; O'Connell

Engrossed SB 2055 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2153: SEN. KLEIN (Agriculture Committee) MOVED** that the amendments on SJ pages 301-302 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2210: SEN. TRAYNOR (Judiciary Committee) MOVED** that the amendments on SJ page 302 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2225: SEN. C. NELSON (Judiciary Committee) MOVED** that the amendments on SJ page 302 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2243: SEN. WARDNER (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 303 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2340: SEN. SAND (Agriculture Committee) MOVED** that the amendments on SJ page 305 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2350: SEN. TRAYNOR (Natural Resources Committee) MOVED** that the amendments on SJ pages 305-306 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**MOTION**

**SEN. ST. AUBYN MOVED** that SB 2350, as amended, be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2350:** A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to requirements for guides or outfitters; and to amend and reenact subsection 14 of section 20.1-01-02 of the North Dakota Century Code, relating to guides and outfitters.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Christmann; 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; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Andrist; Bowman; Cook; Schobinger; Stenehjem, B.

Engrossed SB 2350 passed and the title was agreed to.

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**MOTION**

**SEN. ST. AUBYN MOVED** that SB 2351, which is on the Eleventh order, be moved to the top of the calendar, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2351:** A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to requirements for guides or outfitters.

**ROLL CALL**

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

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

SB 2351 lost.

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#### CONSIDERATION OF AMENDMENTS

**SB 2358: SEN. WARDNER (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 306-307 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**SB 2366: SEN. CHRISTMANN (Natural Resources Committee) MOVED** that the amendments on SJ page 307 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### MOTION

**SEN. ST. AUBYN MOVED** that SB 2366, as amended, be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2366:** A BILL for an Act to amend and reenact subsection 14 of section 23-29-03 of the North Dakota Century Code, relating to the definition of solid waste.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 35 YEAS, 14 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lyson; Mutch; Naaden; Nelson, G.; Nething; Redlin; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Bercier; DeMers; Heitkamp; Kroeplin; Lee; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Robinson; Tallackson; Thompson

Engrossed SB 2366 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2382: SEN. B. STENEHJEM (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 307-308 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### MOTION

**SEN. ST. AUBYN MOVED** that SB 2382, as amended, be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2382:** A BILL for an Act to amend and reenact subsection 25 of section 57-15-06.7, subsection 26 of section 57-15-10, and subsection 3 of section 57-15-56 of the North Dakota Century Code, relating to the mill levy for senior citizen programs; and to provide an effective date.

#### ROLL CALL

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

**YEAS:** Andrist; 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 2382 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2417: SEN. SCHOBINGER (Finance and Taxation Committee) MOVED** that the amendments on SJ page 308 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2030:** A BILL for an Act to provide an appropriation for the construction of a building on the university of North Dakota campus; and to declare an emergency.

#### 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 48 YEAS, 1 NAY, 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; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Thompson

Engrossed SB 2030 passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

**SB 2127:** A BILL for an Act to amend and reenact section 39-21-41.2 of the North Dakota Century Code, relating to use of seatbelts.

#### 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 43 YEAS, 6 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Bowman; Christmann; Mutch; O'Connell; Solberg; Stenehjem, B.

Engrossed SB 2127 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2220:** A BILL for an Act to authorize construction of a winter sports facility at the university of North Dakota; and to declare an emergency.

#### 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 2220 passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF SENATE BILL

**SB 2256:** A BILL for an Act to create and enact chapter 49-24 of the North Dakota Century Code, relating to telephone solicitation sales; to provide a penalty; and to provide an effective date.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 21 YEAS, 28 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bercier; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; Redlin; Robinson; Schobinger; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor

**NAYS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Nething; O'Connell; Sand; Solberg; St. Aubyn; Stenehjem, B.; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2256 lost.

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### SECOND READING OF SENATE BILL

**SB 2275:** A BILL for an Act to create and enact a new subsection to section 43-25-04 of the North Dakota Century Code, relating to the practice of massage; to amend and reenact subsection 3 of section 43-25-04 of the North Dakota Century Code, relating to physical therapist assistants; and to declare an emergency.

### 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 2275 passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF SENATE BILL

**SB 2286:** A BILL for an Act to create and enact a new section to chapter 43-23.3 and a new subsection to section 43-23.3-03 of the North Dakota Century Code, relating to confidentiality of real estate appraiser records.

### 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 2286 passed and the title was agreed to.

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

**MADAM PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1177, HB 1196, HB 1243, HB 1275, HB 1295, HB 1325, HB 1329, HB 1330, HB 1353, HB 1382, HB 1424, HB 1447, HB 1450, HB 1473, HB 1474.

**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 2006, SB 2020, SB 2021, SB 2022, SB 2024.

**MOTION**

**SEN. ST. AUBYN MOVED** that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, February 10, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2132: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2132 was placed on the Sixth order on the calendar.

Page 3, line 8, after "who" insert "directly controls and manages development of and"

Page 3, line 9, after "software" insert "encoded on a processing chip that enables the device to operate"

Page 14, line 17, overstrike "twenty-five" and insert immediately thereafter "seventy-five"

Page 14, line 21, after "conducted" insert "involving a jar bar or dispensing device, but not both"

Page 14, line 22, overstrike "twenty-five" and insert immediately thereafter "seventy-five"

Page 14, line 23, after the period insert "If pull tabs is conducted involving both a jar bar and dispensing device, the monthly rent for pull tabs may not exceed an additional two hundred dollars."

Page 14, line 24, after the second "conducted" insert "involving a jar bar or dispensing device, but not both"

Page 14, line 25, overstrike "twenty-five" and insert immediately thereafter "seventy-five" and after the period insert "If pull tabs is conducted involving both a jar bar and dispensing device, the monthly rent for pull tabs may not exceed an additional three hundred dollars."

Page 19, line 10, remove "immediately"

Page 19, line 31, after "device" insert "and processing chip encoded with proprietary software"

Page 20, line 4, after "device" insert "and processing chip encoded with proprietary software"

Page 20, line 6, after the underscored period insert "A distributor may not duplicate a manufacturer's processing chip encoded with proprietary software."

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2223: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2223 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "subsection 2 of section 12.1-17-01, section" with "sections"

Page 1, line 2, remove the first "section"

Page 1, line 4, remove "simple assault,"

Page 1, remove lines 7 through 14

Page 2, line 4, after "years" insert "or the victim suffers permanent loss or impairment of the function of a bodily member or organ"

Page 2, line 16, after "or" insert "subdivision a of subsection 1 or subsection 2 of"

Page 2, line 23, replace "twelve" with "six"

Page 2, line 25, after "injury" insert ", substantial bodily injury, or serious bodily injury"

Page 2, line 26, remove "subsection 4 of"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2236: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2236 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2246: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2246 was placed on the Sixth order on the calendar.

Page 2, line 8, replace "duplicate so" with "a manner that allows", replace "may" with "to", and replace "copy as a receipt" with "printed record of the obligation"

Page 2, line 9, after "taxes" insert "and special assessments"

Page 3, line 21, replace "1998" with "2000"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2271: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2271 was placed on the Sixth order on the calendar.

Page 6, line 30, overstrike "business continuation" and insert immediately thereafter "member-control" and overstrike "an" and insert immediately thereafter "other"

Page 36, line 8, replace "merger" with "resolution"

Page 37, line 7, replace "legal representative's" with "constituent organization's"

Page 42, line 2, replace "with" with "whose"

Page 45, line 14, after "changes" insert "the foreign corporation's"

Page 45, line 15, overstrike "shall" and after "promptly" insert "shall"

Page 45, line 24, replace "amends" with "changes"

Page 53, line 10, replace the second "corporation's" with "company's"

Page 53, line 16, after "or" insert an underscored comma

Page 53, line 24, after "of" insert "the"

Page 66, line 31, overstrike "disposes" and insert immediately thereafter "disposing" and overstrike "its"

Page 68, line 18, overstrike "member central" and insert immediately thereafter "member-control"

Page 70, line 22, overstrike "member central" and insert immediately thereafter "member-control"

Page 71, line 28, overstrike "subsection 1 of"

Page 85, line 20, remove the overstrike over "~~When~~" and remove "If"

Page 97, line 12, remove the overstrike over "~~No~~", remove "An", and remove the overstrike over "~~irrevocable~~"

Page 97, line 13, remove "revocable"

Page 119, line 28, overstrike "director's" and insert immediately thereafter "governor's"

Page 119, line 31, overstrike "director" and insert immediately thereafter "governor"

Page 153, line 21, after the second "the" insert "order, as ordered by the court upon entry of an order for the sale of a"

Page 154, line 11, overstrike "will" and insert immediately thereafter "may"

Page 154, line 17, overstrike "business"

Page 154, line 18, overstrike "continuation" and insert immediately thereafter "member-control"

Page 157, line 3, after "up" insert "a"

Page 173, line 25, replace "which" with "and that"

Page 175, line 8, remove the overstrike over "~~That~~"

Page 175, line 9, overstrike "A" and immediately thereafter insert "a"

Page 175, line 15, remove the overstrike over "~~That the~~", remove "The", and remove the overstrike over "~~then~~"

Page 175, line 16, remove the overstrike over "~~(4) Endorse~~" and remove "endorse"

Page 175, line 18, remove the overstrike over "~~(2) Record~~" and remove "record"

Page 179, line 17, replace "as" with "at"

Page 181, line 27, overstrike "amends" and insert immediately thereafter "changes" and after "and" insert "that"

Page 185, line 2, replace "July 1" with "December 31"

Page 185, line 20, after "partnership's" insert "certificate"

Page 185, line 21, after "partnership's" insert "registration"

Page 186, line 15, replace "partnership's" with "partnership", after "registration" insert "that", and replace "by" with "for"

Page 186, after line 21, insert:

"8. A limited partnership or foreign limited partnership registration expiring between July 1, 1999, and December 31, 1999, may be renewed or canceled in the manner provided by this section before July 1, 1999."

Page 191, line 13, overstrike "amends" and after "~~its~~" insert "changes"

Page 203, line 23, remove "limited"

Page 206, line 8, remove the second underscored comma and after "or" insert "rule"

Page 207, line 13, overstrike "last known" and insert immediately thereafter "last-known"

Page 211, line 13, remove "a"

Page 223, line 13, after "statement" insert "that"

Page 231, line 5, remove "a resident partner or a designated partner of a"

Page 232, line 16, replace "certificate of organization or certificate of authority" with "registration"

Page 235, line 24, after "resident" insert "partner"

Page 241, line 31, replace "2" with "3"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2285: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2285 was placed on the Sixth order on the calendar.

Page 2, line 4, remove "air ambulance"

Page 2, line 5, remove "services,"

Page 2, line 6, remove "or aircraft"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2300: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2300 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2301: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2301 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "occurring after July 31, 1999, which" with "that"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2305: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2305 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 12.1-17-07 and a new subdivision to subsection 4 of section 12.1-32-07 of the North Dakota Century Code, relating to the crime of harassment and to the powers of a trial court.

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

**SECTION 1.** A new subsection to section 12.1-17-07 of the North Dakota Century Code is created and enacted as follows:

Any offense defined herein is deemed communicated in writing if it is transmitted electronically, by electronic mail, facsimile, or other similar means.

**SECTION 2.** A new subdivision to subsection 4 of section 12.1-32-07 of the North Dakota Century Code is created and enacted as follows:

Refrain from any subscription to, access, or use of the internet."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2333: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE**



**REREFERRED** to the **Appropriations Committee** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2333 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "any" with "the first two-year"

Page 1, line 11, after the first "for" insert "the first two-year"

Page 1, line 14, after "or" insert "the first two-year"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2354: Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2354 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2361: Political Subdivisions Committee (Sen. Lee, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2361 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**SB 2371: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2371 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "disputable"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2372: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2372 was placed on the Sixth order on the calendar.

Page 1, line 15, remove the overstrike over "~~public entity involved~~" and after "an" insert "and to the"

Page 1, line 19, remove the overstrike over "~~public entity~~"

Page 1, line 20, remove the overstrike over "~~providing the public funds~~" and insert immediately thereafter "and to the"

Page 1, line 22, remove "person requesting the opinion and by the"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2392: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2392 was referred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**SB 2408: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2408 was placed on the Sixth order on the calendar.

Page 2, line 10, replace "In addition to the credit allowed under this section, the" with:

- "3. A partnership, limited partnership, subchapter S corporation, limited liability company or any other pass-through entity that is an employer and makes a contribution to support child care or provide a child care program for children of employees must be considered to be the taxpayer for purposes of any credit limitations in this section, and the amount of the credit allowed with respect to the entity's investment must be determined at the pass-through entity level. The amount of the total credit determined at the

entity level must be passed through to the partners, shareholders, or members in proportion to their respective interests in the pass-through entity."

Page 2, remove lines 11 through 14

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2414: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2414 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 a North Dakota higher education savings plan; and to provide an appropriation.

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

**SECTION 1. North Dakota higher education savings plan - Administration**  
- **Rules.** The Bank of North Dakota shall adopt rules to administer, manage, promote, and market a North Dakota higher education savings plan. The Bank shall ensure that the North Dakota higher education savings plan is maintained in compliance with internal revenue service standards for qualified state tuition programs.

**SECTION 2. APPROPRIATION.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$57,000, or so much of the sum as may be necessary, to the Bank of North Dakota for the purpose of administering, managing, promoting, and marketing the North Dakota higher education savings plan, for the biennium beginning July 1, 1999, and ending June 30, 2001."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2422: Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2422 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2429: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2429 was referred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**HB 1086: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1086 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1195: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1195 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1203: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1203 was placed on the Fourteenth order on the calendar.

#### FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. W. Stenehjem and Reps. Kliniske, Poolman introduced:

**SCR 4037:** A concurrent resolution directing the Legislative Council to study the maintenance and funding of basic student health services at institutions of higher education under the control of the State Board of Higher Education.

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

**FIRST READING OF HOUSE BILLS**

**HB 1177:** A BILL for an Act to create and enact a new subdivision to subsection 1 of section 26.1-25-02 of the North Dakota Century Code, relating to property and casualty insurance rates; and to amend and reenact sections 26.1-02-05, 26.1-25-02.1, 26.1-25-04, subsection 4 of section 26.1-30-19, sections 26.1-30.1-01, and 26.1-44-02 of the North Dakota Century Code, relating to insurance contracts issued to industrial concerns, exempt commercial policyholders, rate filings, filing of policy forms, cancellation and nonrenewal of commercial insurance, and surplus lines insurance.

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

**HB 1196:** A BILL for an Act to amend and reenact section 57-15-14.2 of the North Dakota Century Code, relating to authority of school districts to levy property taxes for operating an alternative school program; and to provide an effective date.

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

**HB 1243:** A BILL for an Act to amend and reenact sections 6-08-16 and 6-08-16.2 of the North Dakota Century Code, relating to issuing a check without sufficient funds, credit, or an account; to provide a penalty; and to declare an emergency.

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

**HB 1275:** A BILL for an Act to create and enact chapter 27-05.2 of the North Dakota Century Code, relating to state funding of clerk of district court services; to amend and reenact sections 6-02-05, 11-08-06, 11-08-11, 11-08-14, 11-09.1-04, 11-10-02, 11-10-06, 11-10-10, 11-10-11, 11-19-03, 11-19-16, 11-19-17, 11-19.1-08, 11-20-02, 11-22-01, 11-22-02, 11-22-05, 11-26-01, 11-26-03, 11-26-04, 14-03-09, 14-03-10, 14-03-11, 14-03-17, 14-03-19, 14-03-20, 14-03-21, 14-03-22, and 14-03-24, subsection 3 of section 14-15-09, subsection 4 of section 20.1-13.1-08, subsections 4 and 5 of section 20.1-13.1-10, subsection 4 of section 20.1-15-08, subsections 6 and 7 of section 20.1-15-11, sections 23-02.1-06, 23-21.1-02.1, 23-21.1-02.2, and 26.1-02-19, subsection 1 of section 26.1-06.1-12, subsection 1 of section 26.1-06.1-17, subsection 1 of section 26.1-06.1-24, subsection 3 of section 26.1-06.1-49, subsection 3 of section 26.1-06.1-50, sections 27-01-01.1, 27-08.1-03, 28-20.1-05, 30.1-11-01, 32-37-05, 35-18-04, 35-21-05, 37-01-34, and 37-01-35, subsection 4 of section 39-06.2-10.6, subsection 4 of section 39-20-05, subsections 6 and 7 of section 39-20-07, subsections 4 and 5 of section 39-24.1-08, subsection 1 of section 40-01.1-04, section 40-05.1-05, subsection 1 of section 40-33.1-14, subsection 1 of section 40-61-16, sections 43-01-19, 43-23-16, 43-25-09, 43-49-09, 44-11-01, 46-04-05, 47-18-08, and 51-05.1-06, subsection 4 of section 54-40.4-05, and sections 57-22-16 and 57-22-32 of the North Dakota Century Code, relating to filing fees, filing requirements, and various functions performed by clerks of district court; to repeal sections 11-17-01, 11-17-02, 11-17-03, 11-17-04, 11-17-05, 11-17-06, 11-17-07, 11-17-08, 11-17-09, 11-17-10, and 11-17-11 of the North Dakota Century Code, relating to duties, responsibilities, and funding of clerks of district court; and to provide an effective date.

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

**HB 1295:** A BILL for an Act to amend and reenact section 12.1-36-06 and subsection 1 of section 29-06-15 of the North Dakota Century Code, relating to inhalation of volatile chemicals and to arrest without a warrant.

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

**HB 1325:** A BILL for an Act to amend and reenact subsections 6 and 7 of section 65-01-16, sections 65-02-06.1, 65-02-27, and 65-02-30 of the North Dakota Century Code, relating to the workers' assistance program and to the independent audit of the workers compensation bureau; to amend and reenact section 65-02-23 of the North Dakota Century Code as amended by section 3 of House Bill No. 1331 and the new section to chapter 65-03 of the North Dakota Century Code as created by section 2 of House Bill No. 1296, as approved by the fifty-sixth legislative assembly; to repeal section 65-02-29 of the North Dakota Century Code, section 3 of chapter 612 of the 1995 Session Laws, and section 8 of chapter 542 of the 1997 Session Laws, relating to the independent audit of the workers compensation bureau, the expiration date of the workers' adviser program, and the expiration date of the preacceptance disability benefits provisions; to provide an appropriation; and to provide a continuing appropriation.

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

**HB 1329:** A BILL for an Act to create and enact a new section to chapter 30.1-12 of the North Dakota Century Code, relating to delay in settling an estate; to provide a penalty; and to provide for retroactive application.

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

**HB 1330:** A BILL for an Act to amend and reenact sections 65-01-16 and 65-05-04 of the North Dakota Century Code, relating to workers compensation bureau decisions, disputed decisions, and continuing jurisdiction; to repeal section 7 of chapter 532 of the 1997 Session Laws, relating to the effective date of chapter 532 of the 1997 Session Laws and to provide an effective date.

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

**HB 1353:** A BILL for an Act to amend and reenact section 15-47-15 of the North Dakota Century Code, or in the alternative to amend and reenact section 15.1-09-34 of the North Dakota Century Code, relating to school district bid requirements.

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

**HB 1382:** A BILL for an Act to create and enact a new section to chapter 29-08 of the North Dakota Century Code, relating to bail as the defendant's property.

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

**HB 1424:** A BILL for an Act to amend and reenact section 12.1-32-15 of the North Dakota Century Code, relating to the registration of sexual offenders and offenders against children.

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

**HB 1447:** A BILL for an Act to amend and reenact section 62.1-02-01 of the North Dakota Century Code, relating to possession of weapons; and to declare an emergency.

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

**HB 1450:** A BILL for an Act to create and enact a new section to chapter 49-21 of the North Dakota Century Code, relating to eligible telecommunication carriers.

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

**HB 1473:** A BILL for an Act to amend and reenact sections 14-07.1-01, 14-07.1-15, and 14-07.1-16 of the North Dakota Century Code, relating to the domestic violence and sexual assault prevention fund; and to provide an appropriation.

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

**HB 1474:** A BILL for an Act to amend and reenact section 57-38-01.20 of the North Dakota Century Code, relating to the income tax credit for expenses of caring for certain family members; and to provide an effective date.

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

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

**WILLIAM C. PARKER, Secretary**