

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

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Bismarck, February 10, 1999

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

The prayer was offered by Pastor Robert Nordvall, Charity Lutheran, 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-fifth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 309, remove lines 18 through 24

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

REPORT OF DELAYED BILLS COMMITTEE

MADAM PRESIDENT: Your **Delayed Bills Committee (Sen. Solberg, Chairman)** has approved the introduction of SB 2437, which was introduced on SJ page 309. The bill was referred to the **Industry, Business and Labor Committee**.

MOTION

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

CONSIDERATION OF AMENDMENTS

SB 2132: SEN. C. NELSON (Judiciary Committee) MOVED that the amendments on SJ page 323 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2223: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ pages 323-324 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2246: SEN. SCHOBINGER (Finance and Taxation Committee) MOVED that the amendments on SJ page 324 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2271: SEN. C. NELSON (Judiciary Committee) MOVED that the amendments on SJ pages 324-326 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2285: SEN. MUTCH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 326 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2301: SEN. MUTCH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 326 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2305: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ page 326 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. ST. AUBYN MOVED that SB 2305, as amended, be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2305: A BILL 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.

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 2305 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2333: SEN. FREBORG (Education Committee) MOVED that the amendments on SJ pages 326-327 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2371: SEN. WATNE (Judiciary Committee) MOVED that the amendments on SJ page 327 be adopted.

It was called to the attention of the Senate that the amendment in the standing committee report was apparently not the amendment approved by the committee.

MOTION

SEN. W. STENEHJEM MOVED that SB 2371 be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. W. Stenehjem's motion, SB 2371 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2372: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ page 327 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2408: SEN. CHRISTMANN (Finance and Taxation Committee) MOVED that the amendments on SJ pages 327-328 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2414: SEN. KELSH (Education Committee) MOVED that the amendments on SJ page 328 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2159: A BILL for an Act to create and enact a new section to title 39 of the North Dakota Century Code, relating to rest area vending machine permits from the department of transportation.

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; Stenehjerm, B.; Stenehjerm, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2159 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2160: A BILL for an Act to amend and reenact sections 24-02-01.5, 24-02-08, and 24-02-16 of the North Dakota Century Code, relating to department of transportation engineering consulting services and construction contracts; and to repeal section 24-03-03 of the North Dakota Century Code, relating to the annual construction program of the department of transportation.

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

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; 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; Stenehjerm, B.; Stenehjerm, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Fischer

Engrossed SB 2160 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2166: A BILL for an Act to create and enact chapter 23-01.3 and a new section to chapter 23-17.3 of the North Dakota Century Code, relating to confidential or protected health information in possession of a public health authority; and to provide a penalty.

ROLL CALL

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

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

Engrossed SB 2166 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2180: A BILL for an Act to create and enact sections 26.1-01-03.3, 26.1-30.1-01.1, and 26.1-39-16.1 of the North Dakota Century Code, relating to penalty for violation of the insurance code, unlawful grounds for declination of commercial insurance, and flood insurance notices; to amend and reenact sections 26.1-01-03.1, 26.1-03-17, subsection 7 of section 26.1-04-03, sections 26.1-22-21, 26.1-23-06, 26.1-33-02.1, subsection 6 of section 26.1-33-30, subsection 1 of section 26.1-36-03, subsection 11 of section 26.1-36-05, subsection 6 of section 26.1-36-14, subsection 1 of section 26.1-36-23.1, and section 26.1-45-05.1 of the North Dakota Century Code, relating to cease and desist orders, premium taxes, unfair discrimination, excess loss reinsurance, unsatisfied judgment fund, free-look periods of life insurance policies, life insurance, accident and health insurance, and long-term care insurance; and to provide a penalty.

ROLL CALL

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

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

Engrossed SB 2180 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2207: A BILL for an Act to create and enact section 49-21-10.3 of the North Dakota Century Code, relating to an unauthorized addition or change in telecommunications services; and to amend and reenact section 49-02-01.1 of the North Dakota Century Code, relating to the jurisdiction of the public service commission.

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 2207 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2273: A BILL for an Act to create and enact a new section to chapter 10-30.5 of the North Dakota Century Code, relating to the use of funds in the North Dakota development fund; to amend and reenact subsection 3 of section 10-30.5-02 of the North Dakota Century Code, relating to the use of funds in the North Dakota development fund; and to provide for a transfer of moneys in the regional rural development revolving loan fund account.

REQUEST

SEN. KRAUTER REQUESTED that the Senate divide Engrossed SB 2273, which request was granted.

DIVISION I: Sections 1 and 2 of Engrossed SB 2273.

DIVISION II: Section 3 of Engrossed SB 2273.

ROLL CALL

The question being on the adoption of Division I of Engrossed SB 2273, the roll was called and there were 27 YEAS, 22 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; DeMers; Flakoll; Grindberg; Heitkamp; Kelsh; Klein; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner

NAYS: Cook; Fischer; Freborg; Holmberg; Kilzer; Kinnoin; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Traynor; Watne

Division I of Engrossed SB 2273 passed.

ROLL CALL

The question being on the adoption of Division II of Engrossed SB 2273, the roll was called and there were 10 YEAS, 39 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bercier; DeMers; Kelsh; Klein; Krauter; Kroeplin; Lindaas; Robinson; Tallackson; Thompson

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

Division II of Engrossed SB 2273 lost.

Therefore, Reengrossed SB 2273 will consist of Sections 1 and 2 but will exclude Section 3.

SECOND READING OF SENATE BILL

SB 2273: A BILL for an Act to create and enact a new section to chapter 10-30.5 of the North Dakota Century Code, relating to the use of funds in the North Dakota development fund; and to amend and reenact subsection 3 of section 10-30.5-02 of the North Dakota Century Code, relating to the use of funds in the North Dakota development fund.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christmann; DeMers; Freborg; Grindberg; Heitkamp; Kelsh; Klein; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Naaden; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner

NAYS: Cook; Fischer; Flakoll; Holmberg; Kilzer; Kinnoin; Krebsbach; Kringstad; Lee; Lyson; Mutch; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Traynor; Watne

Reengrossed SB 2273 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2342: A BILL for an Act to amend and reenact subsection 15 of section 65-05-12.2 of the North Dakota Century Code, relating to workers' compensation permanent impairment awards.

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 16 YEAS, 33 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

Engrossed SB 2342 lost.

SECOND READING OF SENATE BILL

SB 2345: A BILL for an Act to amend and reenact section 20.1-13.1-03, subsection 8 of section 20.1-13.1-10, sections 20.1-13.1-13, 20.1-15-03, subsection 10 of section 20.1-15-11, sections 20.1-15-14, 39-20-02, subsection 10 of section 39-20-07, sections 39-20-12, 39-24.1-03, subsection 8 of section 39-24.1-08, and section 39-24.1-11 of the North Dakota Century Code, relating to blood tests for driving while under the influence.

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 2345 passed and the title was agreed to.

SECOND READING OF SENATE BILL

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

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 1 YEA, 47 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Stenehjem, B.

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.; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Mutch

Engrossed SB 2401 lost.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Don Kilander.

SECOND READING OF SENATE BILL

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

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 3 YEAS, 46 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Fischer; Flakoll; Watne

NAYS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; 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

Engrossed SB 2402 lost.

SECOND READING OF SENATE BILL

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

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 2406 passed and the title was agreed to.

SECOND READING OF SENATE BILL

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

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.; 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

NAYS: Mathern, T.

Engrossed SB 2420 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2153: A BILL for an Act to create and enact chapter 60-02.1 of the North Dakota Century Code, relating to grain buyers and grain buyer insolvency proceedings; to amend and reenact subsection 5 of section 60-02-01, sections 60-03-01, 60-03-01.1, 60-03-02, 60-03-04, 60-03-04.1, 60-03-05, 60-03-08, 60-03-10, 60-03-11, 60-03-12, 60-03-14, 60-03-17, and 60-03-18 of the North Dakota Century Code, relating to the definition of a public warehouse; hay buyer procedures and insolvency proceedings; to repeal section 60-03-03 of the North Dakota Century Code, relating to hay buyer procedures; and to provide a penalty.

ROLL CALL

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

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

Engrossed SB 2153 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2210: A BILL for an Act to amend and reenact sections 12.1-23-05, 12.1-24-01, and 12.1-24-03 of the North Dakota Century Code, relating to the grading of offenses for certain crimes.

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 2210 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2225: A BILL for an Act to create and enact a new section to chapter 12.1-23 of the North Dakota Century Code, relating to the fraudulent use of personal identifying information.

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, 0 NAYS, 0 EXCUSED, 1 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.; 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

ABSENT AND NOT VOTING: Mutch

Engrossed SB 2225 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2243: A BILL for an Act to create and enact a new section to chapter 47-19 of the North Dakota Century Code, relating to recording deeds and contracts for deeds.

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 2243 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that SB 2297 be returned to the Senate floor from the **Education Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. NETHING REQUESTED the unanimous consent of the Senate to withdraw SB 2297. There being no objection, it was so ordered by the President.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1038, HB 1046, HB 1071, HB 1072, HB 1095, HB 1141, HB 1143, HB 1194, HB 1257, HB 1267, HB 1272, HB 1312, HB 1314, HB 1315, HB 1327, HB 1362, HB 1365, HB 1379, HB 1444.

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 2030, SB 2055, SB 2127, SB 2220, SB 2275, SB 2284, SB 2286, SB 2347, SB 2350, SB 2366, SB 2382.

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., Thursday, February 11, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2007: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2007 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "634,240" with "621,658"

Page 1, line 12, replace "754,709" with "742,127"

Page 1, line 13, replace "83,011" with "82,249"

Page 1, line 14, replace "671,698" with "659,878"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**DEPARTMENT 406 - LABOR COMMISSIONER**

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$634,240	(\$12,582)	\$621,658
Operating expenses	110,219		110,219
Equipment	<u>10,250</u>		<u>10,250</u>
Total all funds	\$754,709	(\$12,582)	\$742,127
Less special funds	<u>83,011</u>	<u>(762)</u>	<u>82,249</u>
General fund	\$671,698	(\$11,820)	\$659,878
FTE	7.00	0.00	7.00

Detail of Senate changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	DELAY MARKET SALARY ADJUSTMENT TO JANUARY 1, 2001	TOTAL SENATE CHANGES
Salaries and wages	(\$8,389)	\$1,995	(\$6,188)	(\$12,582)
Operating expenses				
Equipment				
Total all funds	(\$8,389)	\$1,995	(\$6,188)	(\$12,582)
Less special funds	<u>(1,047)</u>	<u>285</u>		<u>(\$11,820)</u>
General fund	(\$7,342)	\$1,710	(\$6,188)	(762)
FTE	0.00	0.00	0.00	0.00

Senate changes narrative:

In addition to the two percent annual salary increases, funding is included to provide the commissioner with a market equity salary increase of \$283.00 per month for the final six months of the biennium.

REPORT OF STANDING COMMITTEE

SB 2019: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2019 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "12,333,733" with "12,218,261"

Page 1, line 16, replace "2,703,973" with "2,703,224"

Page 1, line 20, replace "1,317,969" with "1,314,860"

Page 1, line 21, replace "30,525,366" with "30,406,036"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 720 - GAME AND FISH DEPARTMENT

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$12,333,733	(\$115,472)	\$12,218,261
Operating expenses	7,779,014		7,779,014
Equipment	771,505		771,505
Capital improvements	1,602,122		1,602,122
Grants	3,397,050		3,397,050
Noxious weed control	200,000		200,000
Land habitat and deer depredation	2,703,973	(749)	2,703,224
Grants, gifts, and donations	100,000		100,000
Nongame wildlife conservation	120,000		120,000
Waterbank program	200,000		200,000
Lonetree Reservoir	<u>1,317,969</u>	<u>(3,109)</u>	<u>1,314,860</u>
Total all funds	\$30,525,366	(\$119,330)	\$30,406,036
Less special funds	<u>30,525,366</u>	<u>(119,330)</u>	<u>30,406,036</u>
General fund	\$0	\$0	\$0
FTE	131.00	0.00	131.00

Detail of Senate changes to the executive budget include:

	REDUCE COMPENSATION PACKAGE TO 2/2	INCREASE HEALTH INSURANCE COST	TOTAL SENATE CHANGES
Salaries and wages	(\$151,111)	\$35,639	(\$115,472)
Operating expenses			
Equipment			
Capital improvements			
Grants			
Noxious weed control			
Land habitat and deer depredation	(1,034)	285	(749)
Grants, gifts, and donations			
Nongame wildlife conservation			
Waterbank program			
Lonetree Reservoir	<u>(4,535)</u>	<u>1,426</u>	<u>(3,109)</u>
Total all funds	(\$156,680)	\$37,350	(\$119,330)
Less special funds	<u>(156,680)</u>	<u>37,350</u>	<u>(119,330)</u>
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

Senate changes narrative:

This amendment makes the following changes:
Reduces salary increases to two percent in July 1999 and two percent in July 2000.
Increases salaries and wages to reflect increased health insurance costs.

REPORT OF STANDING COMMITTEE

SB 2068, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2068 was placed on the Sixth order on the calendar.

Page 1, line 15, remove "and"

Page 1, line 16, after "d." insert "The loan is approved by a majority of the eligible electors residing in each school district participating in the consortium, as evidenced by their signatures on a petition clearly stating the purpose of the loan, the amount of the loan, and its terms of repayment, and filed with the superintendent of public instruction; and

e."

Page 1, line 18, after the period insert "The superintendent of public instruction may not approve a loan under this section if the superintendent determines that the instructional technology acquisition is not compatible with the statewide information technology plan."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2081: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2081 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2151, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2151 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2213: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2213 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2217: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2217 was placed on the Sixth order on the calendar.

Page 1, line 4, after "reenact" insert "subsection 3 of section 57-39.2-01,"

Page 1, line 6, after "purposes" insert "; to repeal subsection 12 of section 57-39.2-04 and section 57-39.2-28 of the North Dakota Century Code, relating to a sales tax exemption for residents of Montana and a sales tax rebate for residents of Canada"

Page 1, after line 8, insert:

"SECTION 1. AMENDMENT. Subsection 3 of section 57-39.2-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. "Gross receipts" means the total amount of sales of retailers, valued in money, whether received in money or otherwise. Provided, discounts for any purposes allowed and taken on sales are not included, nor is the sale price of property returned by customers when the full sale price is refunded either in cash or by credit. Provided, further, when tangible personal property is taken in trade or in a series of trades as a credit or part payment of a retail sale taxable under this chapter, if the tangible personal property traded in will be subject to the sales tax imposed by this chapter when sold or will be subject to the motor vehicle excise tax imposed by chapter 57-40.3, or if the tangible personal property traded in is used farm machinery or used irrigation equipment, the credit or trade-in value allowed by the retailer are not gross receipts. Provided, further, on all sales of retailers, valued in money, when the sales are made under a conditional sales contract, or under other forms of sale wherein the payment of the principal sum is to be extended over a period longer than sixty days from the date of sale that only the portion of the sale amount shall be accounted for, for the purpose of imposition of tax imposed by this chapter, as has actually been received in cash by the retailer during each quarterly period as defined herein. When a farm machine is purchased as a replacement for machinery which was stolen or totally destroyed, a credit or trade-in credit is allowed in an amount equal to the compensation received for the loss from an insurance company. The purchaser shall provide the seller with a notarized statement from the insurance company verifying that the original farm machine is a total loss and indicating the amount of compensation. The notarized statement must be retained by the seller to verify the amount of credit or trade-in credit allowed. "Gross receipts" also means, with respect to the leasing or renting of tangible personal property, the amount of consideration, valued in money, whether received in money or otherwise, received from the leasing or renting of only tangible personal

property the transfer of title to which has not been subjected to a retail sales tax in this state. For the purpose of this chapter, gross receipts shall also include the total amount of sales of every clerk, auctioneer, agent, or factor selling tangible personal property owned by any other retailer."

Page 5, after line 16, insert:

"SECTION 6. REPEAL. Section 57-39.2-28 of the North Dakota Century Code and subsection 12 of section 57-39.2-04 of the 1997 Supplement to the North Dakota Century Code are repealed."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2287: 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 2287 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to amend and reenact subsection 6 of section 14-09-25 of the North Dakota Century Code, relating to partial payments on child support arrears; and"

Page 1, line 3, remove "; and to declare an emergency"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsection 6 of section 14-09-25 of the North Dakota Century Code is amended and reenacted as follows:

6. The Notwithstanding section 2 of this Act, the state disbursement unit shall disburse collected child support payments in conformity with title IV-D of the Social Security Act [Pub. L. 93-647; 88 Stat. 2351; 42 U.S.C. 651 et seq.]. Interest accrued on unpaid judgments for child support is child support. To the extent consistent with the requirements of title IV-D, payments received on judgments for child support must first be applied to accrued interest, and then to the principal.

Page 1, underscore lines 7 through 14

Page 1, line 15, underscore "principal, and interest accrues thereafter on the balance of the principal remaining due." and insert immediately thereafter "This section does not apply to the collection of any debt owed to the state or a political subdivision."

Page 1, line 17, remove "on a judgment regardless of the date the"

Page 1, line 18, remove "judgment was entered in the judgment docket"

Page 1, remove line 19

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2289: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2289 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2304: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2304 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2310, as engrossed: Appropriations Committee (Sen. Thompson, Chairman) recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2310 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2323: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2323 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2324: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). SB 2324 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2328: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2328 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to provide an"

Page 1, line 3, remove "appropriation"

Page 1, line 11, after "may" insert ", if allowed under federal law,"

Page 1, remove lines 18 through 22

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 640 - AGRICULTURAL EXPERIMENT STATION

SENATE - This amendment provides that the experiment station may conduct industrial hemp research if allowed by the federal government.

The appropriation section is removed which would have provided \$300,000 from the general fund to North Dakota State University for industrial hemp or other alternative industrial use crop research during the 1999-2001 biennium.

REPORT OF STANDING COMMITTEE

SB 2348: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2348 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2363: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2363 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2375: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2375 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "or distribute"

Page 1, line 11, replace "distribution" with "prescription"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2378: Human Services Committee (Sen. Thane, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2378 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2384: Human Services Committee (Sen. Thane, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2384 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2385: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2385 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to annual reductions in corporate income tax liability;"

Page 1, line 6, remove "and"

Page 1, line 9, remove "to provide for application; and"

Page 1, line 10, after "date" insert "; and to provide an expiration date"

Page 9, after line 2, insert:

"SECTION 12. A new section to chapter 57-38 of the North Dakota Century Code is created and enacted as follows:

Phaseout of corporate income tax. The income tax liability of a corporation as determined under this chapter must be reduced by:

1. Twenty percent for the first taxable year beginning after December 31, 2000.
2. Forty percent for the first taxable year beginning after December 31, 2001.
3. Sixty percent for the first taxable year beginning after December 31, 2002.
4. Eighty percent for the first taxable year beginning after December 31, 2003."

Page 16, line 14, replace "**APPLICATION**" with "**EXPIRATION DATE**", replace "This" with "Section 12 of this", and after "for" insert "the first four"

Page 16, line 15, replace "1999, and for taxable years beginning before January 1," with "2000, and is thereafter ineffective. Sections 1 through 11 and 13 through 19 of this Act are effective for taxable years beginning after December 31, 2004."

Page 16, remove lines 16 and 17

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2393: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2393 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2412: Human Services Committee (Sen. Thane, Chairman) recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2412 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2421: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2421 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4031: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4031 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4032: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4032 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1059: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1059 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1084: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1084 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1097: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1097 was placed on the Fourteenth order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Flakoll, Freborg, Holmberg, Wardner and Reps. Hawken, N. Johnson introduced:

SCR 4038: A concurrent resolution directing the Legislative Council to study options for the use of endowment funds for school districts and the feasibility and desirability of providing state matching funds.

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

FIRST READING OF HOUSE BILLS

HB 1038: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to medical assistance coverage of prehospital emergency medical services; to amend and reenact section 23-27-04.2 of the North Dakota Century Code, relating to state assistance to prehospital emergency medical services; and to provide legislative intent regarding state department of health assistance for ambulance medical assistance billings and for appropriated funds.

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

HB 1046: A BILL for an Act to amend and reenact subsection 8 of section 54-44.1-06 of the North Dakota Century Code, relating to the contents of budget data prepared by the director of the budget.

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

HB 1071: A BILL for an Act to create and enact a new section to chapter 54-52 of the North Dakota Century Code, relating to postretirement adjustments for supreme and district court judges under the public employees retirement system; and to amend and reenact subdivision e of subsection 4 of section 54-52-17 and subsection 6 of section 54-52-17 of the North Dakota Century Code, relating to disability retirement and survivor's benefits for supreme and district court judges under the public employees retirement system.

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

HB 1072: A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 39-03.1-10.1 and subdivision a of subsection 4 of section 39-03.1-11 of the North Dakota Century Code, relating to refunds and computation of retirement benefits under the highway patrolmen's retirement system.

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

HB 1095: A BILL for an Act to amend and reenact section 34-13-07 of the North Dakota Century Code, relating to bond requirements to renew employment agency licenses.

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

HB 1141: A BILL for an Act to amend and reenact section 54-34.3-03 and subsection 8 of section 54-34.3-04 of the North Dakota Century Code, relating to the structure and duties of the department of economic development and finance; and to repeal section 54-34-06.1 of the North Dakota Century Code, relating to dissemination of in-state manufacturer product listings.

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

HB 1143: A BILL for an Act to provide for patient copies of medical records.

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

HB 1194: A BILL for an Act to provide for the notification of a person with power of attorney by the public administrator before receiving a subsequent power of attorney.

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

HB 1257: A BILL for an Act to create and enact chapter 54-52.6 of the North Dakota Century Code, relating to a defined contribution retirement plan for nonclassified state employees; to amend and reenact subsection 3 of section 54-52-01, sections 54-52-02.5, 54-52-26, and subsection 1 of section 54-52.1-03.2 of the North Dakota Century Code, relating to definitions, participation by newly appointed officials in a defined contribution retirement plan, confidentiality of records, and retiree health benefit

fund contributions under the public employees retirement system; to provide a penalty; and to provide an appropriation and a continuing appropriation.

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

HB 1267: A BILL for an Act to amend and reenact section 9-08-06 of the North Dakota Century Code, relating to contract provisions restraining business.

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

HB 1272: A BILL for an Act to amend and reenact sections 49-11-21 and 49-11-22 of the North Dakota Century Code, relating to the sounding of a warning device on a locomotive engine.

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

HB 1312: A BILL for an Act to amend and reenact section 39-04-19 of the North Dakota Century Code, relating to the registration of motorcycles and trailers.

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

HB 1314: A BILL for an Act to provide for the protection of the intellectual property rights in the design of vehicle number plates.

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

HB 1315: A BILL for an Act to amend and reenact section 36-21.1-02 of the North Dakota Century Code, relating to the abandonment of animals.

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

HB 1327: A BILL for an Act to amend and reenact sections 20.1-06-07 and 20.1-06-08 of the North Dakota Century Code, relating to fishhouses.

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

HB 1362: A BILL for an Act to amend and reenact sections 11-10-10 and 11-10-10.1 of the North Dakota Century Code, relating to the salaries of elected county officers; and to provide an effective date.

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

HB 1365: A BILL for an Act to amend and reenact subsection 4 of section 28-32-02 of the North Dakota Century Code, relating to notice of rulemaking by the superintendent of public instruction; and to declare an emergency.

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

HB 1379: A BILL for an Act to create and enact a new section to chapter 12.1-21 of the North Dakota Century Code, relating to interference with a telephone during emergency calls.

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

HB 1444: A BILL for an Act to amend and reenact section 43-09-16 of the North Dakota Century Code, relating to persons exempt from electrician's licensure requirements; to provide a contingent effective date; and to declare an emergency.

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

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

WILLIAM C. PARKER, Secretary