

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

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Bismarck, February 3, 1999

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

The prayer was offered by Father Marvin Klemmer, Ascension Church, Bismarck.

The roll was called and all members were present except Senators Andrist, Fischer, and Kringstad.

A quorum was declared by the President.

MOTION

SEN. LEE MOVED that SB 2424 be returned to the Senate floor from the **Industry, Business and Labor Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. LEE REQUESTED the unanimous consent of the Senate to withdraw SB 2424. There being no objection, it was so ordered by the President.

CONSIDERATION OF AMENDMENTS

SB 2030: SEN. HOLMBERG (Appropriations Committee) MOVED that the amendments on SJ page 219 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2220: SEN. ST. AUBYN (Appropriations Committee) MOVED that the amendments on SJ page 219 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2096: A BILL for an Act to create and enact a new section to chapter 52-02.1 of the North Dakota Century Code, relating to cost reimbursement for new jobs training; and to amend and reenact subsection 2 of section 52-02.1-03 of the North Dakota Century Code, relating to cost reimbursement for new jobs training.

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 39 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; Cook; DeMers; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Naaden; Nelson, C.; Nelson, G.; Nothing; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Bercier; Heitkamp; Kelsh; Kinnoin; Kroeplin; Mutzenberger; O'Connell; Thompson

ABSENT AND NOT VOTING: Andrist; Fischer

Engrossed SB 2096 passed and the title was agreed to.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Dave Robinson.

SECOND READING OF SENATE BILL

SB 2131: A BILL for an Act to amend and reenact sections 37-01-03, 37-09-01, 37-09-02, 37-09-04, 37-09-05, 37-09-06, 37-09-08, 37-09-09, 37-09-12, and 37-09-14 of the North Dakota Century Code, relating to application of the uniform code of military justice to the North Dakota national guard and military courts within the North Dakota national guard;

and to repeal sections 37-09-03 and 37-09-13 of the North Dakota Century Code, relating to military courts of inquiry and court-martial sentences.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: 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; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Andrist; Fischer

Reengrossed SB 2131 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2291: A BILL for an Act to amend and reenact section 54-44.3-20 of the North Dakota Century Code, relating to exemption of the teaching staff of institutions of higher education from the state classified service.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: 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; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Sand

ABSENT AND NOT VOTING: Andrist; Fischer

Engrossed SB 2291 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2313: A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to personal and financial information submitted to a state agency in a consumer complaint.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: 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; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Andrist; Fischer

Engrossed SB 2313 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2373: A BILL for an Act to amend and reenact section 20.1-05-03 of the North Dakota Century Code, relating to the opening time for big game hunting seasons.

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 36 YEAS, 11 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Christmann; DeMers; Kelsh; Lindaas; Lyson; Mathern, D.; O'Connell; Robinson; Sand; Stenehjem, B.; Wanzek

ABSENT AND NOT VOTING: Andrist; Fischer

Engrossed SB 2373 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2175: A BILL for an Act to create and enact a new section to chapter 15-21 of the North Dakota Century Code, or in the alternative to create and enact a new section to chapter 15.1-06 of the North Dakota Century Code, relating to authorizing the superintendent of public instruction to waive any statutes or rules relating to education to encourage innovative education projects.

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 2 YEAS, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Kinnoin; Mutch

NAYS: Bercier; Bowman; Christmann; Cook; DeMers; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; 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: Andrist; Fischer

SB 2175 lost.

SECOND READING OF SENATE BILL

SB 2029: A BILL for an Act to amend and reenact sections 15-10-18, 15-10.1-02, and 15-10.1-03 of the North Dakota Century Code, relating to the approval by the budget section of nonresident tuition rates at institutions of higher education, reciprocal tuition agreements, and agreements for the remission of nonresident tuition.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 40 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Bowman; Kinnoin; Klein; Mutch; Schobinger; Solberg; Stenehjem, B.

ABSENT AND NOT VOTING: Andrist; Fischer

SB 2029 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2071: A BILL for an Act to create and enact a new subsection to section 54-52-17 and a new section to chapter 54-52 of the North Dakota Century Code, relating to acceptance of rollovers from other qualified plans and vesting of employer contributions under the public employees retirement system; to amend and reenact subsection 1 of section 54-52-01, subdivisions b and d of subsection 3 of section 54-52-17, paragraphs 1 and 2 of subdivision a of subsection 4 of section 54-52-17, subdivision d of subsection 4 of section 54-52-17, subsections 5, 6, and 7 of section 54-52-17, sections 54-52-17.5 and 54-52-17.10 of the North Dakota Century Code, relating to definitions, determination of retirement dates, computation of benefits, eligibility for early retirement benefits, vesting, postretirement adjustments, and prior service retiree adjustments under the public employees retirement system; to provide an appropriation; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Andrist; Fischer

SB 2071 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2196: A BILL for an Act to amend and reenact sections 23-09.3-01.1 and 23-16-01.1 of the North Dakota Century Code, relating to a moratorium on additional basic care facility and long-term care beds and a prohibition on the creation of a bed bank.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Andrist; Fischer

SB 2196 passed and the title was agreed to.

MOTION

SEN. G. NELSON MOVED that Sen. Redlin replace Sen. Krauter on the **Select Committee** to approve Board of Higher Education nominees, which motion prevailed.

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 1039, HB 1069, HB 1163, HB 1247, HB 1276, HB 1326, HB 1343, HB 1349, HB 1356, HB 1445.

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 2036, SB 2200, SB 2214, SB 2215, SB 2257, SB 2280, SB 2282, SB 2283, SB 2288, SB 2315.

MOTION

SEN. ST. AUBYN MOVED that the absent members be excused, which motion prevailed.

MOTION

SEN. ST. AUBYN MOVED that the Senate be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, February 4, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2060: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2060 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "ninety-seven" with "eighty-five"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2074: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2074 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 section to chapter 15-36 of the North Dakota Century Code, relating to grounds for the automatic denial or revocation of teaching certificates; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-36 of the North Dakota Century Code is created and enacted as follows:

Crimes against a child and sexual offenses - Denial of or immediate revocation of teaching certificate.

1. Notwithstanding any other law, the education standards and practices board shall deny an application for a teaching certificate and shall revoke immediately the teaching certificate of an individual, other than an administrator, who has been found guilty of a crime against a child or a sexual offense. Notwithstanding any other law, the administrator's professional practices board shall revoke immediately the teaching certificate of an administrator who has been found guilty of a crime against a child or a sexual offense.
2. An individual, other than an administrator, who is denied a teaching certificate or who has had a teaching certificate revoked under subsection 1 may file a request with the education standards and practices board for a due process hearing under chapter 28-32. The hearing must be held within ten days of the request. An administrator who has had a teaching certificate revoked under subsection 1 may file a request with the administrator's professional practices board for a due process hearing under chapter 28-32. The hearing must be held within ten days of the request. The scope of the hearing is limited to determining whether the individual was convicted of a crime against a child or a sexual offense and whether the conviction has been overturned on appeal.
3. A final decision denying a teaching certificate or revoking a teaching certificate under this section is appealable pursuant to chapter 28-32. A court may not stay the decision pending an appeal. A court shall affirm the decision denying a teaching certificate or revoking a teaching certificate unless the court finds that the individual was not convicted of a crime

against a child or a sexual offense or that the conviction was overturned on appeal.

4. As used in this section:

- a. "Conviction" means a finding of guilt, a guilty plea, a plea of no contest, a plea of nolo contendere, a judgment of conviction even though the court suspended execution of sentence in accordance with subsection 3 of section 12.1-32-02, or a deferred imposition of sentence in accordance with subsection 4 of section 12.1-32-02 or an equivalent statute. The term does not include a finding of guilt overturned on appeal.
- b. "Crime against a child" means violation of chapter 12.1-16, 12.1-17, 12.1-18, or 12.1-29, or an equivalent ordinance, in which the victim is a minor or is otherwise of the age required for the act to be a crime or an attempt to commit these offenses.
- c. "Sexual offense" means a violation of section 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-06, 12.1-20-07, 12.1-20-11, or 12.1-22-03.1, or chapter 12.1-27.2, or an equivalent ordinance.

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2123: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2123 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2144: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2144 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2151: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2151 was placed on the Sixth order on the calendar.

Page 1, line 2, after "teachers" insert "; and to provide an expiration date"

Page 2, line 6, replace "teacher receiving national certification who is currently employed in a" with "school district five thousand dollars for each nationally certified teacher employed to teach in an approved school in the district, provided the district awards five thousand dollars to each nationally certified teacher so employed"

Page 2, line 7, remove "North Dakota approved school a five thousand dollar TEACH award"

Page 2, replace lines 20 through 22 with:

"SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 2001, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2222: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2222 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2235: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2235 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 section to chapter 15-29 of the North Dakota Century Code, or in the alternative to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to school district employees' group health plans.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. If House Bill No. 1034 does not become effective, a new section to chapter 15-29 of the North Dakota Century Code is created and enacted as follows:

School district employees' group health plans. In contracting for a school district employees' group health plan, the board of a school district shall meet the bidding requirements of section 15-47-15. No contract for a school district employees' health plan may be of a duration greater than six years.

SECTION 2. A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

School district employees' group health plans. In contracting for a school district employees' group health plan, the board of a school district shall meet the bidding requirements of section 15.1-09-34. No contract for a school district employees' health plan may be of a duration greater than six years."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2241: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2241 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2242: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2242 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2270: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2270 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to provide a penalty"

Page 1, line 6, remove "- **Penalty**"

Page 1, line 7, replace "the following food products" with "fresh beef and pork" and remove "meat,"

Page 1, remove lines 8 and 9

Page 1, line 10, remove "cooking oils" and after "section" insert a comma

Page 1, line 11, remove "on the individual product, the consumer unit with respect to bunched"

Page 1, line 12, remove "foods, the food bin or container, or on a sign or placard"

Page 1, line 14, remove "Any person who violates this section is guilty of an"

Page 1, remove line 15

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2279: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2279 was placed on the Sixth order on the calendar.

Page 2, line 5, after "the" insert "United States consumer product safety commission, the Snell memorial foundation, the"

Page 2, line 6, after "institute" insert an underscored comma and replace "Snell memorial foundation" with "American society for testing and materials"

Page 2, line 14, replace "A minor" with "An individual under fifteen years of age"

Page 2, line 15, replace "minor" with "individual"

Page 2, line 24, replace "a minor" with "an individual under fifteen years of age"

Page 2, line 25, replace "minor" with "individual"

Page 2, line 27, replace "minor" with "individual"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2302: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2302 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2303: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2303 was placed on the Sixth order on the calendar.

Page 1, line 3, after "disruption" insert "; and to provide an expiration date"

Page 2, line 19, replace ". Unless" with ", unless"

Page 3, after line 5, insert:

"SECTION 8. EXPIRATION DATE. This Act is effective through July 31, 2003, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2314: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2314 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "to authorize the state board of higher education to approve a lease-purchase agreement."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Lease-purchase agreement - Approval. The state board of higher education may approve a lease-purchase agreement or modify an existing agreement between the university of North Dakota and a health services provider for the construction and lease of a medical facility to be constructed with private sector dollars on state land, and to do all things necessary and proper to approve the terms of the lease, the plans and design of the building, the title of the building, and the facilitation of its construction. The state board of higher education may approve any additional terms necessary to provide for the purchase of the medical facility by a payment-in-kind transfer provided the board deems the transfer to be in the best interests of the university and further provided that there is no negative fiscal impact to the university. For purposes of this section, payment in kind may include the subsequent donation of an existing university-owned building. The provisions of sections 54-01-05.2 and 54-01-05.5 do not apply to the transfer and conveyance authorized by this section."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2331: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2331 was placed on the Sixth order on the calendar.

Page 1, line 6, remove "board of"

Page 1, line 7, replace "supervisors" with "electors" and remove "by resolution approved"

Page 1, line 8, after "township" insert ", excluding territory within an incorporated city"

Page 1, line 11, after "periods" insert "and may not be imposed if the township has not levied its maximum general fund mill levy permitted by law for the most recent taxable year"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2359: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2359 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2381: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2381 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "six" with "four"

Page 1, line 22, replace "\$800,000" with "\$400,000"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2388: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2388 was placed on the Sixth order on the calendar.

Page 1, line 10, after "minor" insert ", the minor has lived with the petitioner for at least two years, no allegations of abuse or neglect have been filed."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2420: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2420 was placed on the Sixth order on the calendar.

Page 2, line 17, replace "215(h)" with "251(h)"

Page 3, line 10, after the underscored period insert "Prices set aside pursuant to this section remain effective until the effective date of revised prices filed by the telecommunications company within forty-five days of the commission's order."

Page 3, line 18, replace "representative-embedded" with "representative embedded"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4012: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SCR 4012 was placed on the Sixth order on the calendar.

Page 1, line 13, remove "litigation" and replace "agreement" with "dollars obtained by the state under sections IX (Payments) and XI (Calculation and Disbursement of Payments) of the master settlement agreement and consent agreement adopted by the district court in its judgement entered in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris Inc., (East Central Dist. Ct., December 28, 1998),"

Page 1, line 14, remove "entered as a result of litigation against tobacco industry companies and related entities"

Page 1, line 16, after "address" insert "enforcement of the terms of the master settlement agreement and consent agreement and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4013: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SCR 4013 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "the 1998 settlement agreement with tobacco product manufacturers and any" with "sections IX (Payments) and XI (Calculation and Disbursement of Payments) of the master settlement agreement and consent agreement adopted by the district court in its judgment entered in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris Inc., (East Central Dist. Ct., December 28, 1998),"

Page 1, line 7, remove "successor agreements"

Page 1, line 17, replace "the 1998 settlement agreement with tobacco" with "sections IX (Payments) and XI (Calculation and Disbursement of Payments) of the master settlement agreement and consent agreement adopted by the district court in its judgment entered in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris Inc., (East Central Dist. Ct., December 28, 1998),"

Page 1, line 18, remove "product manufacturers, or any successor agreement"

Page 1, line 22, after "concerns" insert ", including enforcement of the master settlement agreement and consent agreement"

Page 1, line 24, after "concerns" insert ", including enforcement of the master settlement agreement and consent agreement"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4016: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4016 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1055: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1055 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1112: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1112 was placed on the Fourteenth order on the calendar.

FIRST READING OF HOUSE BILLS

HB 1039: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to insurance coverage of ambulance services for prehospital emergency medical services.

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

HB 1069: A BILL for an Act to amend and reenact subsection 3 of section 54-52-05 of the North Dakota Century Code, relating to employer payment of employee contributions under the public employees retirement system.

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

HB 1163: A BILL for an Act to amend and reenact sections 6-09.11-03, 6-09.11-05, and 6-09.11-06 of the North Dakota Century Code, relating to family farm loan amount restrictions, residency requirements, and net worth restrictions.

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

HB 1247: A BILL for an Act to amend and reenact section 40-23-07 of the North Dakota Century Code, relating to inspection of special assessment property.

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

HB 1276: A BILL for an Act to create and enact a new section to chapter 36-01, a new section to chapter 36-05, and a new section to chapter 36-14 of the North Dakota Century Code, relating to the confiscation of nontraditional livestock, livestock unfit for sale, and animals imported into the state; to amend and reenact sections 36-01-05, 36-01-07, 36-01-08, 36-01-08.1, 36-01-08.3, 36-01-08.4, 36-01-13, 36-01-14, 36-01-28, 36-05-01, subsection 4 of section 36-05-13.2, sections 36-07-07, 36-14-10, 36-14-20, 36-14-21, 36-15-01, 36-15-02, 36-15-08.1, 36-15-09, 36-15-14, 36-15-19, 35-15-21, 36-15-22, and subsection 1 of section 36-21.1-06 of the North Dakota Century Code, relating to the board of animal health, livestock auction markets, rendering plants, contagious and infectious livestock diseases, tuberculosis and brucellosis eradication in animals, and humane treatment of animals; to repeal sections 36-14-04, 36-14-05, 36-14-06, 36-14-07, 36-15-08, and 36-15-12 of the North Dakota Century Code, relating to horses, cattle, sheep, and swine imported into the state, compensation for owners of animals infected with tuberculosis or paratuberculosis, and bovine tuberculosis and brucellosis funds; and to provide a penalty.

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

HB 1326: A BILL for an Act to provide damages in accidents with uninsured motorists.

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

HB 1343: A BILL for an Act to amend and reenact section 39-08-21 of the North Dakota Century Code, relating to an exemption from medical regulations for certain drivers of commercial vehicles; and to declare an emergency.

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

HB 1349: A BILL for an Act to amend and reenact section 15-47-44.1 of the North Dakota Century Code, relating to school safety patrols.

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

HB 1356: A BILL for an Act to amend and reenact section 54-09-04 of the North Dakota Century Code, relating to fees collected by the secretary of state.

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

HB 1445: A BILL for an Act to create and enact a new section to chapter 49-21.1 of the North Dakota Century Code, relating to differentiation between electricity transmission lines and electricity distribution lines.

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